

Law Enforcement News

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Planning a new breed:

Madison PD eyes 'bottoms-up' management

Police in Madison, Wisc., are calling "bottom's up" these days, but it's not drinks they are discussing; it's police management styles.

The department's personnel were given a chance to turn upside down the hierarchical order found in the vast majority of police agencies when Chief David Couper gave interested officers a chance to police one-sixth of the city anyway they wished with one-sixth of the department's resources.

Since that time a year ago, a group of about 40 officers plus civilians have worked with a 10-member planning team to create a mission statement, a top-down flow chart of project steps and discuss how to meet the few restrictions put upon the group, such as providing emergency response, neighborhood service and detective followups.

According to the planning group facilitator, Officer Sherry

Maples, the officers devoted considerable time to discussing what sort of supervisory structure would be implemented, since it would be "an alternative to the very rigid, paramilitary structure you see in most police departments."

The New Face of Supervision

The experimental program offers no shortage of excitement, Maples added, because the traditional management style has prevented many community-oriented projects from realizing their full potential. "You can't take a management structure that's very rigid and expect people to be real innovative under it," she said.

The officers in the program "really believe we are going to change the course of supervision within policing," said Capt. Ted Balistreri, head of the police department's planning unit. Police management, he said, has been "entrenched" in top-down

decision making. "This whole concept is talking about a different type of police manager and we really think it is going to be successful."

The experimental program involves such concepts as decentralization, quality circles, employee involvement in decision-making and the role of higher education in policing.

Roots Traced to Goldstein

In addition, said Officer Maples, the concept is most like the community-oriented policing model of University of Wisconsin law professor Herman Goldstein, except that the decisions are coming from the bottom of the department.

"I could sit through the meetings and not know who has

more rank than someone else because everyone interacts in terms of what they know and can contribute," said Mary Ann Wycoff, project director of the Police Foundation's field evaluation unit. "It doesn't go by who has been there how long and what rank they are."

Community-oriented policing, developed by Goldstein as a "problem-solving approach" to law enforcement, takes an alternative approach to the traditional method of dealing with each call for service as it comes in to a department. Instead, the problem-solving approach has officers analyze series of incidents to try to find and resolve the underlying cause for the calls.

According to Maples, the pro-

gram's 40 officers plus its civilian members were divided into groups of 10 members each. The planning team members then talked to the groups about the criteria to be used to select supervisors and what responsibilities those supervisors would have.

Supervisory Self-Election

"Supervisors are going to be chosen by how well they're perceived as having fulfilled the responsibilities that have been laid out," said Maples. "A lot of it will be self-election because obviously some are going to be more interested in working in that kind of structure."

That element of the planning, she said, was the group's first major effort. The second was getting

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Timber slump forces Northwest sheriffs to do more with much less

It has happened in the recent past to the steel-dependent areas of Pennsylvania, the oil-dependent regions of Texas and Oklahoma and the farm country of the Midwest. Now it's the turn of the Pacific Northwest to feel the economic pinch, as a sharply depressed timber industry has hurt the revenue base of counties and towns, forcing sheriffs' departments in Oregon and Washington to cut back on services — in some cases, virtually eliminating patrol.

During the late 1970's and early 1980's, rising interest rates put a halt to much of the home construction being done across the country. As a result, the demand for timber decreased and many of the companies which had bid high for trees were allowed by the Federal Government to default when the need for timber died down, leaving timber-dependent counties to deal with budget cuts of up to 40 percent.

Experts such as John Lowe, deputy director of the U.S. Forest Service, say the industry has stabilized and even picked up a bit, but the price for timber has never come back up to what it was in 1970's.

Revenue-Sharing Roots

The majority of the troubled counties subsist, or used to, on revenues received from logging timber on what is called "O&C land." The Oregon and California land grant was taken back by the Federal Government during the 1930's, according to Coos County, Ore., Commissioner, Gordon Ross.

The Government devised a plan to share the revenues from that land with the 18 counties which comprise it. The Government decided to manage the land for the counties, keeping 25 percent of the timber receipts and returning 75 percent to the counties. The counties, however, threw 25 percent of those funds "back into the pot," said Ross, to build roads.

While the money from O&C land is primarily used by the counties to pay for roads and education, Ross said, the sheriffs' departments are often run with it.

Even if the county uses the money just for roads and education, that still leaves more county funds available for law enforcement. In light of that, any decrease in timber revenues

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Bias-crime victims get help from new Supreme Court ruling

Victims of bias-related crimes and discrimination added a new weapon to their legal arsenal last month when the U.S. Supreme Court issued a decision that will allow white ethnic groups to use the same law banning discrimination that blacks have used for over 100 years.

The ruling was widely praised by ethnic advocacy groups, which hailed the ruling as a "big stick" in employment discrimination suits and other legal challenges.

In unanimously voting to expand an 1866 law against racial discrimination to include ethnic bias as well, the Court reversed the rulings of several lower courts, which had ruled that such ethnic groups as Jews, Hispanics and Arabs, which are considered white, could not sue other whites for bias discrimination under that law.

The ruling upheld the right of the Shaare Tefila Congregation in Silver Spring, Md., to bring suit against eight men who in 1982 spray-painted the walls of its synagogue with swastikas, Nazi slogans, Ku Klux Klan symbols and a skull and crossbones. The decision also dealt with a companion case of an Iraqi-American professor, Mahid Al-Khazraji, who sought to use the 1866 law to sue St. Francis College in Loretto, Pa., for denying him tenure on the basis of his national origin.

Lower courts had ruled that the members of the Jewish congregation could not use the 1866 law in

their lawsuit because they do not belong to a racially distinct group, and that the law was passed only to protect non-whites.

"We are delighted by the Court's ruling," said Jeffrey Sinensky, legal director for the Anti-Defamation League of B'nai B'rith. "It sends a message to those who would vandalize or discriminate that they are going to be hit, and hit hard, where it hurts most — in the pocketbook.

"People are not going to stop discriminating," Sinensky con-

tinued, "but communities can mobilize and perpetrators know there is a price to pay."

The ruling was praised as "historic" by Abdeen M. Jabara, president of the Arab-American Anti-Discrimination Committee, which filed a friend-of-the-court brief in the two cases.

Noting that there were 42 acts of violence reported against Arab-Americans last year, Jabara said, "The Court is saying to the Arab-American community that we have equal rights to equal protec-

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Deed to Klan HQ awarded to black woman in civil judgment

The headquarters of one of the nation's largest Ku Klux Klan organizations now belongs to a 67-year-old black woman from Alabama, whose teen-age son was murdered in 1981 by Klansmen.

The 7,200-square-foot building and 6.5 acres of wooded land near Tuscaloosa, Ala., were turned over to Mrs. Beulah Mae Donald as part of \$7-million civil judgment she won against the United Klans of America. The landmark civil suit ended with the all-white jury concluding that the Klan group was financially liable for the criminal actions of its members.

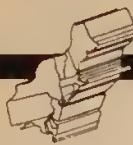
Two Klansmen have already been convicted in the slaying of 19-year-old Michael Donald, who was found beaten and hanging from a tree in Mobile. One of the Klan members is awaiting execution for the crime.

The Klan property turned over to Mrs. Donald is believed to be the only substantial asset belonging to the Klan organization. Mrs. Donald said she planned to seek the immediate sale of the property, which has been valued at \$225,000.

There are reportedly no plans to pursue any further Klan assets.

Around the Nation

Northeast



CONNECTICUT — Gun registration in the upper-class community of Greenwich is up 52 percent over the past five years, from 19,036 in 1982 to 29,030 last year. The increase was attributed to the need for self-protection and the growing popularity of target shooting.

DISTRICT OF COLUMBIA — The National Law Enforcement Officers' Memorial Fund Inc. is \$25,000 richer these days, thanks to a contribution from the Pepsi-Cola Company. The donation — the largest corporate bequest to date — will go toward a memorial in the Capital honoring law enforcement officers who have died in the line of duty.

NEW JERSEY — Gov. Thomas Kean last month signed into law a bill clarifying homeowners' use of deadly force to protect themselves from intruders. The law shifts the burden of proof from homeowners to prosecutors in cases where the use of force is questioned.

NEW YORK — Robert Rathbun, one of the officers accused of corruption in New York City's 77th Precinct, was convicted last month of all 37 counts on which he was tried, after a jury rejected his claim of entrapment. Rathbun, a 13-year veteran was charged with conspiracy, burglary, theft, possession and sale of drugs and official misconduct. He was the first of 11 indicted officers to be brought to trial in the corruption scandal. One other accused officer has pleaded guilty and another committed suicide.

Buffalo Police Commissioner Ralph V. Degenhart last month ordered his department to comply with a strict city ordinance curbing smoking in the workplace. Degenhart said that since the police department operates around-the-clock, smoking bans would be imposed on a platoon-by-platoon basis.

New York City officials said recently that they will revise a plan to give needles and syringes to drug addicts in an effort to halt the spread of AIDS, after the state Health Department rejected the city's original plan as unscientific. The state agency said the city's plan must include a large control group, the sample of addicts must be representative and the program must study the addicts for a long period of time.

VERMONT — The State Senate has approved a bill that stiffens penalties for motorists who drive more than 10 m.p.h. above the new 65-m.p.h. Interstate highway speed limit.

Southeast



ALABAMA — Voters in Midfield and Birmingham last month approved a 60-cent monthly telephone tax to pay for an enhanced 911 emergency communications system. The tax assessment went into effect on June 1.

The Morgan County Sheriff's Department has begun putting together videotapes and computer profiles of elementary school children to aid investigators in cases of kidnaping and other disappearances. The program may go statewide if it proves successful in Morgan County.

FLORIDA — The Dade County Commission has approved a measure requiring a 48-hour waiting period between purchase of a handgun and pickup of the weapon. Under the state's new handgun law, local ordinances were wiped out but counties retained the option of imposing waiting periods.

The Senate Judiciary-Criminal Committee has approved omnibus legislation designed to get tough on crack and other street drugs. In addition to making cocaine possession as serious as possession of heroin, the bill expands the authority of public employers to fire employees if the employer has probable cause to believe that the employee has used illegal drugs within a six-month period.

Florida International University has introduced a new master of science degree in criminal justice. The graduate program, part of the university's School of Public Affairs and Services, will require 36 credit hours in such areas as legal issues for administrators, police organization, judicial process and correctional management.

LOUISIANA — New Orleans recorded 197 homicides in 1986, according to FBI figures, putting the city ninth among the nation's large cities. The murder rate jumped 29 percent over the 1985 figure of 152, although the city's 1986 murder rate of 34.9 per 100,000 residents was the second lowest in the city in 10 years.

MISSISSIPPI — A task force in Jackson has warned that the city's youth-gang problems could escalate unless teenagers can find jobs and are encouraged to turn in weapons. The task force recommended a 72-hour amnesty during which the estimated 450 gang members could turn in illegal weapons.

SOUTH CAROLINA — The NAACP has asked the U.S.

Justice Department to investigate the shooting of a black burglary suspect by white policemen in Conway on May 5, saying that state and local investigations are biased. Witnesses say Anthony Cox, 22, was wounded as he was trying to surrender.

TENNESSEE — Chattanooga police officer Freeman Cooper, a black man, was named department spokesman last month in a move aimed at improving police relations with the black community.

A monument honoring state troopers who died in the line of duty was dedicated in Nashville on May 17 by Gov. Ned McWherter. The memorial was donated by the Tennessee Highway Patrol Retired Officers Association.

Midwest



INDIANA — The Allen County (Fort Wayne) Hazardous Waste Tax Advisory Board recommended last month that up to \$130,000 from a tax on the disposal of hazardous waste should be spent to enhance the city's and county's 911 emergency phone systems. The enhancement would provide dispatchers with information unavailable from conventional systems, such as the address from which the call came.

The State Court of Appeals last month ruled that police officers in auto-chase accidents in the line of duty are immune from civil suits filed by accident victims. The ruling dismissed a suit filed against State Trooper James Spiller.

MICHIGAN — Detroit police Insp. Gilbert Hill was among those in attendance at the world premiere of the movie "Beverly Hills Cop II" at Detroit's Ford Auditorium last month. Hill reprises the part he played in the original movie, as the tough boss of detective Axel Foley, played by Eddie Murphy.

A 550-bed Scott Regional Correctional Facility was dedicated in Northville Township on May 14. The facility cost \$38 million.

OHIO — Police officers in Fairfield are unrealistic in their expectation of a 3.5-percent pay hike, city officials say, because of an anticipated decrease in city revenues due to the announced closing of a General Motors plant by 1989. A Federal arbitrator is due to rule on the dispute between the local Fraternal Order of Police and the city.

The Warren County Sheriff's Department has organized its first Child Safety, Drug and Crime Prevention Program.

Sheriff James C. Collins announced recently. The costs of the program will be borne in part by corporate contributions.

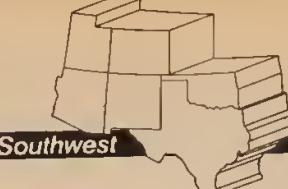


IOWA — Gov. Terry Branstad has signed legislation raising the speed limit to 65 m.p.h. on rural Interstate highways.

Candidates for police and fire jobs in Sioux City will be the first in the state required to undergo testing for drugs prior to hiring, under a resolution adopted last month by the city's Civil Service Commission.

NEBRASKA — Starting this month, the police departments in Papillion and LaVista will share investigative units in an effort to boost efficiency. The merger is the first of its kind in the state, according to LaVista Police Chief John Packett.

WYOMING — The state crime rate dropped for the first time in two years, with 13.8 percent fewer crimes in the first quarter of 1987 compared to the same period last year.

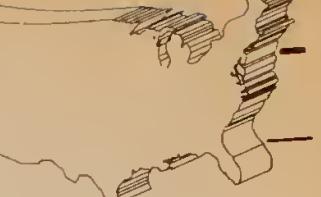


ARIZONA — The state House of Representatives last month defeated a compromise bill that would have allowed private firms to run state prisons.

One of the FBI's 10 most wanted fugitives, who escaped three years ago from a Michigan prison, was captured without incident in Tempe on May 16. Ronald Triplett, 37, had been serving a sentence for attempted murder, armed robbery and interstate flight when he escaped from the state prison in Jackson, Mich., in June 1984.

NEW MEXICO — Major Neil Curran, 50, has been named acting chief of the State Police until a permanent successor to retiring Chief J. J. Payne is selected. Payne and Deputy Chief John Toney retire on July 31.

TEXAS — The level of reported major crimes jumped by 19 percent in Dallas and 22 percent in Fort Worth last year, according to FBI statistics. The increase was fueled by a surge in auto thefts, which increased by 66 percent in Fort Worth and by 58 percent in Dallas. The FBI's Uniform Crime Reports said Fort



Worth ranks second behind Detroit in the per capita rate of homicide, with 46.2 murders per 100,000 residents.



ALASKA — Anchorage Public Safety Commissioner John Franklin resigned May 15, and may run for mayor. No successor was named.

Lieut. Robert Jent was named director of the Alaska State Police last month. The 17-year veteran succeeds interim head Major Walter Gilmour.

CALIFORNIA — A State Senate committee has approved a bill that would require convicted prostitutes and sex offenders to undergo testing for AIDS.

San Bernardino County authorities have ruled that a sheriff's deputy was acting in self-defense when he shot and killed a young man who pointed a flashing "laser-tag" toy pistol at him. Investigators said the unidentified deputy "justifiably believed his life was in danger."

IDAHO — The Rev. Richard Butler, head of the white supremacist group Aryan Nations, was freed on \$100,000 bond, after being arrested along with 14 other white extremists on charges of plotting the violent overthrow of the U.S. Government. Arraignment was set for July 6.

NEVADA — An Assembly committee has approved legislation that would set 20-year prison terms for prostitutes who continue to ply their trade after being diagnosed as AIDS carriers.

WASHINGTON — A monument commemorating more than 150 state law enforcement officers killed in the line of duty was dedicated at the Spokane County Courthouse on May 16. The four blocks of granite are inscribed with names of officers from 1881 to 1987.

The State Supreme Court ruled last month that criminal defendants can waive their right to appeal in exchange for favorable plea-bargaining agreements.

Capt. Gregory M. Boyle, head of internal investigations for the King County Police, was named to head the Green River Task Force, which is investigating the deaths of as many as 46 women in the Seattle area. He succeeds King County Capt. James Pompey, 37, who was killed during a scuba diving accident in Puget Sound on May 10.

NY study finds no pervasive use of deadly force, no link to racism

The report of a New York State commission investigating police use of deadly force has incited local and national civil-rights groups, who claim that their own experiences contradict the panel's conclusion that race is not a factor in police use of force and that force is not systematically used.

The report is the second dealing with police use of force to be ordered by Gov. Mario M. Cuomo within the past two years. The first, which was released in 1985, was prepared by the state Division of Criminal Justice Services (DCJS).

According to the latest study, prepared by a commission led by former U.S. Attorney Paul J. Curran, police throughout the state "generally evidence restraint" in the use of force. In addition, minority officers were found to be just as likely to use force as white officers are.

There is no evidence, the report said, of "pervasive" police misbehavior, but rather a misunderstanding and misconception by the public as to the use of force.

Norman Siegel, executive director of the New York Civil Liberties Union, said his organization is "flabbergasted" by the conclusions of the Curran commission. Racism and the use of force are still very much a problem, he said.

and "for a report to come out and say that everything is hunky-dory is, at the minimum, putting your head in the sand."

Two local civil-rights activists, the Rev. Herbert Daughtry and attorney C. Vernon Mason, ripped the study as a "whitewash." Daughtry told reporters that he found it "incredible" that the commission did not find race a factor.

And, an attorney for the NAACP, Laura Blackburne, called the study "laughable," noting that all of her experience runs counter to the commission's findings.

New York City Mayor Edward I. Koch said that the conclusions of the new report corresponded to his own beliefs in the police. "But isn't it nice to have someone outside of government conclude that?" he asked.

Many of the conclusions drawn by this study mirrored those incorporated in the 1985 DCJS study. Both reports agree, for example, that police should receive more training in the handling of the mentally ill, since many of these encounters result in the use of force.

Both reports strongly recommend the enhancement of police-community understanding. Said the DCJS study, "It is strongly recommended that police administrators, public officials and

community leaders explore strategies to enhance positive contacts between police officers and the community."

The two reports also concurred on the need to establish a method of testing police applicants which includes a more thorough psychological screening, so that violence-prone individuals can be excluded from the police department.

In addition, both reports praised the development of an early-warning system which pinpoints those officers who have become "unfit for service due to psychological instability."

The Curran report also endorses the use of random drug testing for all police officers, and urges the state Municipal Police Training Council to consider raising the minimum age for appointment of police officers as a means of reducing performance problems. The minimum age requirement for the New York City Police Department is currently 20.

The Curran and DCJS studies also agreed that police departments throughout the state should draft written policies requiring officers to use only the minimum level of force necessary, such as the NYPD has done.

The study, which cost \$775,000, drew its data mostly

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party.

Roache stood by Gifford, calling him "perhaps the finest chief of detectives ever."

The union's president, Daniel J. Mahoney, said his organization went public with the allegations because Roache and Mayor Raymond Flynn failed to act on the complaints. Morale is declining, say union leaders, and less police work is being done.

"This administration has talked about integrity as its priority," said William Dwyer, a union executive board member. "We are publicly questioning his [Gifford's] integrity."

Over the past two years, relations between Gifford and his command have been strained. The allegations were made public as a Federal grand jury continues to look into charges that detectives took bribes from bars and nightclubs to overlook liquor-license violations.

Gifford has suggested that the investigation could have been a motivating factor behind the detectives' grievances.

Tensions increased following Gifford's implementation of activity sheets that call for detectives to account for the use of their time. Productivity cannot be measured on such sheets, detectives maintain, because investigations vary in length and complexity. Moreover, they claim, the completion of the activity logs takes several hours of work each week.

Federal File

A roundup of criminal justice-related activities within the Federal Government.

Bureau of Alcohol, Tobacco and Firearms

★ "Our 1986 bombing and attempted bombing statistics indicate a substantial increase in all areas except stolen explosives incidents," ATF director Stephen E. Higgins said last month. ATF, the Treasury agency responsible for enforcing Federal explosives laws, reported that there were 1,271 bombings and attempted bombings last year, compared to 1,103 in 1985. The number of persons killed in such incidents rose by 16 percent last year, from 37 in 1985 to 43 in 1986, while the number of persons injured jumped from 193 to 283, an increase of 46.6 percent. Property damage resulting from bombings doubled, from \$9.1 million in 1985 to \$18.2 million last year.

House of Representatives

★ States that fail to adopt a death penalty statute for persons convicted of killing a law enforcement officer would be denied Federal criminal justice assistance under the provisions of a bill (H.R. 2392) introduced recently by Rep. Mario Biaggi (D-N.Y.). Biaggi, who announced the legislation during the annual observance of Peace Officers' Memorial Day, proposed that states be given three years to adopt a death penalty statute for the willful killing of a police officer, or face the loss of funding. At present, he said, 13 states and the District of Columbia have no statute that provides the death penalty for the killers of police.

Department of Justice

★ William Bradford Reynolds, the assistant attorney general for civil rights, has been named counselor to the Attorney General, in which posi-



tion he will have broad advisory powers. Reynolds, who was praised by Attorney General Edwin Meese 3d as an "exceptional lawyer" and "thoroughly capable," will continue to hold his position in charge of the civil rights division.

Federal Bureau of Investigation

★ The FBI's preliminary Uniform Crime Reports for last year show a six-percent increase in serious crime, the largest increase since 1980. All eight major offenses showed increases, in all regions of the country. Violent crimes increased by an overall 12 percent, with murder and robbery up by 9 percent, forcible rape up by 5 percent and aggravated assault up by 15 percent. The FBI acknowledged the difference between the UCR's data and the findings of the National Crime Survey, which reported earlier this year that crime remained essentially unchanged in 1986. The difference, according to a Justice Department spokesman, "indicates an important development: that Americans are apparently reporting crimes to law enforcement agencies more often than before."

Plans to build a new Washington field office and counterintelligence unit for the FBI have drawn sharp criticism from a hospital adjacent to the proposed site, with hospital administrators contending that sophisticated FBI radio or microwave equipment could disrupt hospital monitors and pose other hazards. The proposed 250,000-square-foot office building would be built on the same block of M Street in Northwest Washington as the Columbia Hospital for Women, and would house nearly 1,000 FBI agents and support personnel.

Boston detectives demand ouster of their bureau chief

The Boston Police Detectives Benevolent Society has called for the removal of Superintendent John A. Gifford, chief of the Bureau of Investigative Services, for allegedly accepting favors from a company under police investigation, improperly disposing of evidence and giving misleading testimony.

The charges were listed among other grievances outlined in a letter sent to Police Commissioner Francis M. Roache.

The union, which represents the department's 325 detectives, said the complaints against Gifford throw into question the chief's integrity and ability to command.

Moreover, the union contends, public safety is being jeopardized because many detectives are shying away from controversial cases and are less productive under Gifford's command.

Gifford has emphatically denied the allegations, which are under investigation by the department's Bureau of Professional Standards. The superintendent insisted that he did not arrange for a plow from the Roslindale towing company, which is under police investigation, to clear snow from his home.

Gifford did, however, have the company plow the area around the Area E police station which he commanded several years ago. That, he said, was not improper.

Gifford also denied distributing beer that had been confiscated by police at an Area E Christmas

reevaluating its current deployment strategies.

Farrell's proposal had come under fire from black community organizations, which charged that the plan put the burden of payment for police protection on those least able to afford it.

The proposal would further "ghettoize" the mean streets of the city's South-Central district, said Barbara Collins of the South-Central Organizing Committee, the organization that has led the opposition to the plan.

Criticism of the proposal has evidently had some impact since Farrell was recently reelected by a much narrower margin than had been expected. But Farrell still claims partial success in his contention that the 250 additional officers approved by the city government would not have been added to the 7,100-member department if it had not been for his "politically risky" proposal. "I used something in an innovative way and it worked," he said. "Did I shoot craps? Yes. Did I crap out? No."

People and Places

Tossing in the towel

After a little more than a year in office, an angry Pittsburgh Police Chief William "Mugsy" Moore resigned May 11, charging that Mayor Richard Caliguiri and Public Safety Director Glenn Cannon had reduced his status to that of a "token."

Moore, a 36-year veteran of the police department, was the city's first black chief. He was appointed by Caliguiri in April 1986 after former Chief John J. Norton had been fired for allegedly "double-hilling" the city and the International Association of Chiefs of Police — which Norton served as president — for expenses incurred while interviewing for the position.

Moore, 61, charged that Cannon had "excluded" him from all major decisions regarding police operations, in addition to making him "the object of [his] own professional and personal insecurities."

Moore also said that Cannon verbally abused him and tried to make him "the scapegoat" for the department's "blundered situations" of which, he contends, he was neither "involved in, consulted with or informed of."

"I decided when I assumed the office that at the moment my tenure as chief of police was transformed into mere window dressing, then this city would have to find someone else to play the role of token," Moore said.

The resignation has stirred up racial resentment in the city, with the Pittsburgh-based National Black Political Caucus and local black officials rising to Moore's defense. Ron Saunders, a caucus member, said Mayor Caliguiri's administration used Cannon to "constructively discharge" Moore.

Moore's appointment, according to Isaac Saxon of the Metropolitan Crusade of Voters, was a mayoral response to a Federal suit filed by the organization to try and change the way City Council members are elected. "[Caliguiri] had to grab something once we filed the suit," said Saxon. "[Moore's appointment] was what he grabbed."

Chester Howard, the assistant police chief for investigations, has been named temporary head of the police bureau.

Beastly work

Throughout the country, police are asked to handle any number of unusual tasks during the course of a work day, but alligator removal? It's all in a day's work for Plantation, Fla., police officer Audrey Weed, who did battle with two alligators — one 10 feet long — within an hour of each other last month.

Responding to a report of an alligator in the sewer, Weed lured the reptile from its subterranean hideout with a piece of chicken appropriated from a neighborhood resident. Once the creature was munching contentedly on the poultry, Weed was able to capture it with a "catch stick," a pole with a loop at its end, said police spokesman Ed Plaisted.

When the alligator tired, Weed put it in the trunk of her patrol car and released it in the North New River Canal, which leads directly to the Everglades conservation area.

In less than an hour, Weed was back on reptile duty once again, trying to capture another alligator that was disrupting traffic in one of Broward County's busiest intersections. This lizard, sunning itself to the delight and curiosity of rubber-necking motorists, was estimated to be 10-feet long. Weed went after it with her catch stick, but it jumped into the nearby canal and swam away.

Weed said state game wardens would probably have to capture the alligator because of its size.

"We're not going to go out and shoot him," said Plaisted. "He hasn't done anything." But because of the alligator's size, he said, it could be a "menace to man or beast."

It's said that Plantation police usually get an alligator call about once a week.

The 50's vs. the 80's

What began March 12 with the resignation of all 10 members of the Milton, Vt., Police Department has escalated into a small-town battle involving natives versus newcomers, an embattled police chief, the town manager, the Board of Selectmen, the Chittenden County state's attorney

Penny gets tough with Portland

Charging sexual discrimination, breach of contract and conspiracy, former Portland, Ore., Police Chief Penny Harrington has gone to Federal court to sue the city. Mayor Bud Clark, members of a special investigative commission and three Portland police officers.

Harrington, who in January 1985 became the first female police chief of a major U.S. city, served 17 stormy months before resigning last June in the wake of a report deeming her administration a failure.

Since resigning, Harrington claims the city has reneged on its agreement to grant her a pension or pay for legal fees incurred while being investigated by a three-member commission headed by former U.S. Attorney Sidney I. Lezak.

Harrington blames the publicity surrounding her administration and the Lezak Commission's searing report for her inability to find work as a police executive. Her law-enforcement career, she

claims, has been severely damaged.

The Lezak Commission, which also included Judge John Beatty and Doyle Watson of the Oregon State Police, was empaneled to investigate charges that Harrington's husband, Portland police officer Gary Harrington, had warned a narcotics suspect that he would be questioned in a cocaine-smuggling investigation.

The commission produced a report, based partly on public hearings begun in April 1986, evaluating Harrington's administration of the department in the face of sharp criticism of her from the Portland Police Officers Association.

The commission, said Harrington, is the basis for her sex-discrimination claim. "They've never set up a commission like this for any other chief of police or city manager," she told Law Enforcement News. "It's never been heard of in the city for them to do this sort of thing."

Chuck Duffy, a spokesman for Mayor Clark, said there is no conspiracy or sexual discrimination against Harrington. "We just think it is deplorable that she continues on."

Harrington is also suing for violation of due process, charging that the commission carried out its proceedings without any proper rules. "There were secret testimonies, no cross examination," she said. "There was just no way that anything could be fair."

Claiming a conspiracy was mounted against her husband by fellow officers, Harrington said she now has documents and witnesses which prove that officers were aware that the man Patrolman Harrington was accused of aiding already knew he was the subject of an investigation.

"They conspired to do that and then withheld that information from the commission investigating my husband. The commission had no way of getting at the truth," she said.

tor in the June elections for the Board of Selectmen, with one faction in town — those who support the officers and oppose the board — saying they are recruiting candidates to run for the three available seats.

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What They Are Saying

"We're down to basically not having any law enforcement patrols at all."

Sheriff John Raichl of Clatsop County, Ore., on the impact of declining timber revenues on his hard-pressed agency. (7:3)

Soon after the mass walkout, several female employees of the department filed state charges of sexual harassment against Lyons. Town manager V. Michael Duffy then suspended Lyons with pay. Lyons's lawyer called the harassment charges "trumped up."

Late last month, Duffy gave 30 days' notice of his resignation, saying he could no longer work with the selectmen, whom he called "airheads" and "blockheads." After an emergency meeting, the selectmen told

The dispute is likely to be a fac-

Court leaves death penalty alive and well

It is the 19th century British prime minister Benjamin Disraeli who is generally credited with the



Supreme Court Briefs

Jonah Triebwasser

observation. "There are three kinds of lies: Lies, damned lies, and statistics." Indeed, it is statistics that one finds at the heart of this week's Supreme Court case, the already controversial Georgia death penalty decision in *McCleskey v. Kemp*.

Facts of the Case

Warren McCleskey, a black man, was convicted of two counts of armed robbery and one count of murder in the Superior Court of Fulton County, Ga., on Oct. 12, 1978. The convictions arose out of the robbery of a furniture store and the killing of a white police officer during the course of that robbery. The evidence at trial indicated that McCleskey and three accomplices, all armed, planned and carried out the robbery. McCleskey entered the front of the store while the other three entered by the rear. McCleskey secured the front of the store by rounding up the customers and forcing them to lie face down on the floor. The other three rounded up the employees in the rear and tied them up with tape. The manager was forced at gunpoint to turn over the store receipts, his watch and \$6.00.

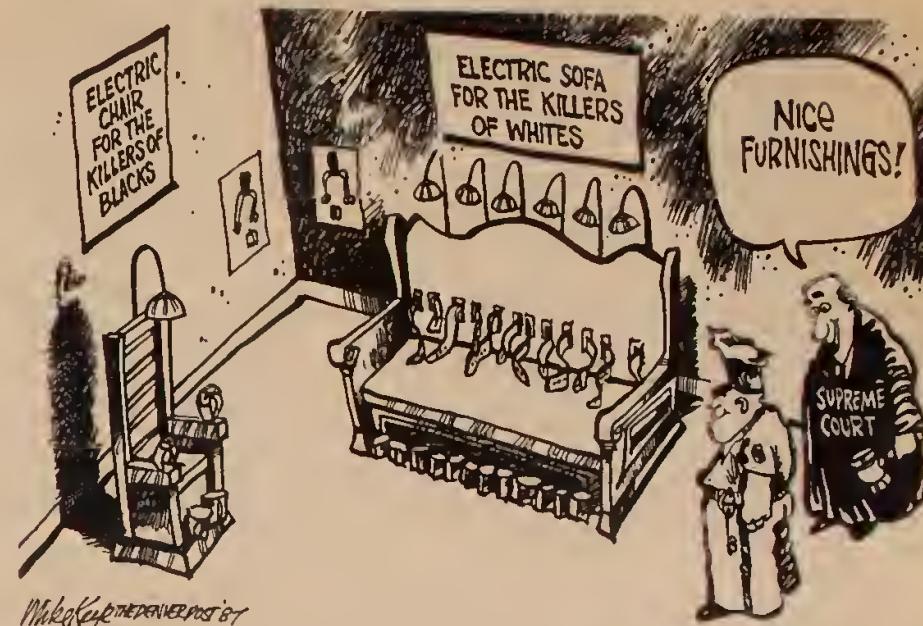
During the course of the robbery, a police officer, answering a silent alarm, entered the store through the front door. As he was walking down the center aisle of the store, two shots were fired. Both struck the officer, with one

hitting him in the face and killing him.

Several weeks later, McCleskey was arrested in connection with an unrelated offense. He confessed that he had participated in the furniture store robbery, but denied that he had shot the police officer. At trial, the State introduced evidence that at least one of the bullets that struck the officer was fired from a .38-caliber Rossi revolver. This description matched the description of the gun that McCleskey had carried during the robbery. The State also introduced the testimony of two witnesses who had heard McCleskey admit to the shooting.

The jury convicted McCleskey of murder. At the penalty hearing, the jury was instructed that under Georgia law, it could not consider imposing the death penalty unless it found beyond a reasonable doubt that the murder was accompanied by aggravating circumstances. The jury in this case found two aggravating circumstances to exist beyond a reasonable doubt: The murder was committed during the course of an armed robbery, and the murder was committed upon a peace officer engaged in the performance of his duties. With McCleskey offering no mitigating evidence during the penalty hearing, the jury recommended that he be sentenced to death on the murder charge and to consecutive life sentences on the armed robbery charges. The court followed the jury's recommendation and sentenced McCleskey to death.

On appeal, the Supreme Court of Georgia affirmed the convictions and sentences. *McCleskey v. State*, 245 Ga. 108, 263 S.E. 2d 146 (1980). The United States Supreme Court denied a petition for a writ of certiorari. *McCleskey v. Georgia*, 449 U.S. 891 (1980). The Superior Court of Fulton County denied McCleskey's ex-



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traordinary motion for a new trial. McCleskey then filed a petition for a writ of habeas corpus in the Superior Court of Butts County. After holding an evidentiary hearing, the Superior Court denied relief. *McCleskey v. Zant*, No. 4909 (April 8, 1981). The Supreme Court of Georgia denied McCleskey's application for a certificate of probable cause to appeal the Superior Court's denial of his petition, No. 81-5523, and the United States Supreme Court again denied certiorari. *McCleskey v. Zant*, 454 U.S. 1093 (1981).

Statistical Analysis

McCleskey next filed a petition for a writ of habeas corpus in the Federal District Court for the Northern District of Georgia. His petition raised 18 claims, one of which was that the Georgia capital sentencing process is administered in a racially discrimi-

natory manner in violation of the Eighth and Fourteenth Amendments to the United States Constitution. In support of his claim, McCleskey offered a statistical study conducted by Professors David C. Baldus, George Woodworth and Charles Pulanski (the Baldus study), which purports to show a disparity in the imposition of the death sentence in Georgia based on the race of the murder victim and, to a lesser extent, on the race of the defendant. The Baldus study is actually two sophisticated statistical analyses that examined over 2,000 murder cases that occurred in Georgia during the 1970's. The raw numbers collected by Professor Baldus indicate that defendants charged with killing white persons received the death penalty in 11 percent of the cases, but defendants charged with killing blacks received the death penalty in only 1 percent of the cases. The raw

numbers also indicate a reverse racial disparity based on the race of the defendant: 4 percent of the black defendants received the death penalty, as opposed to 7 percent of the white defendants.

Baldus and his colleagues also divided the cases according to the combination of the race of the defendant and the race of the victim. They found that the death penalty was assessed in 22 percent of the cases involving black defendants and white victims; in 8 percent of the cases involving white defendants and white victims; in 3 percent of the cases involving white defendants and black victims, and 1 percent of the cases involving black defendants and black victims. Similarly, the Baldus study found that prosecutors sought the death penalty in 70 percent of the cases involving black defendants and white victims; in 32 percent of the cases

Continued on Page 6

Wanted: 6,000 more NY prison beds, or . . .

Like many other states, New York is now paying the piper for the get-tough-on-crime mood of



Burden's Beat

Ordway P. Burden

the 1970's and 80's. Its prison population tripled over 13 years, and for the 1986-87 fiscal year, the total cost of paying for the current prison expansion program, including finance charges, and for running the system is over \$1.5 billion, according to the Correctional Association of New York. As a New Yorker might put it, that ain't chopped liver.

It could get worse. The Correctional Association projects that even when the 10,000-bed prison

expansion is completed in 1989 and the state's prisons can accommodate 39,700 prisoners, there will still be overcrowding. Unless sentencing policies are changed, said the association, by 1992 the state may be short of needed space by 6,000 beds. In his State of the State message in January, Gov. Mario M. Cuomo said he will propose further expansion of prisons and also make recommendations for alternatives to incarceration.

The Correctional Association is ready with some advice for the Governor. The association, borrowing a line from the poet Robert Frost, has issued a report called "The Road Not Taken," which urges the state to change its sentencing ways and save a bundle of money in the process. The road the association proposes would put many fewer offenders

on "the path into a costly superhighway crowded with travelers bound for one destination — prison."

The Correctional Association estimates that by following its recommendations, the state could save \$750 million in new prison costs and about \$60 million a year to operate the system. That ain't chopped liver either, but it would require an about-face by the Legislature because the key would be sending fewer non-violent felons to prison.

One of the villains in the Correctional Association's scenario is the state's Second Felony Offender Law, which was adopted in 1973 and mandates a prison term for all repeat offenders, regardless of the nature of their crime or their background and motivation. That law, plus other legislation that made prison a certainty for

some drug offenses and violent and gun-related crimes, caused the state's prison population to soar from 22,000 in 1973 to more than 37,500 in mid-1986.

The association found that 3,800 nonviolent offenders, who could have been placed on probation, entered New York's prisons each year. Nearly half of them have no prior convictions, although those who do tended to have extensive records of property crimes and drug offenses. Many of the prison-bound felons have records similar to their luckier counterparts who are placed on probation instead of getting a prison term. Said the association's report, "If it were permissible under the law and if credible alternatives to prison were available, it would be possible to divert at least half of these persons from prison."

Diversion of such nonviolent offenders from the "expressway to prison" would be achieved by overhauling the state's probation system to provide for more intensive supervision of selected probationers in the community. (The state already has programs aimed at close supervision of offenders.) The centerpiece of the overhaul would be the establishment of a highly structured probation program called Community Protection Program (CoPP) for prison-bound, nonviolent offenders. It calls for a ratio of one probation officer per 25 offenders, who would be seen by their probation officer at least three times a week. Probationers would have to find employment or take part in a vocational or educational program, participate in drug or alcohol treatment programs if

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Court rejects bias claim in capital case

Continued from Page 5

involving white defendants and white victims; in 15 percent of the cases involving black defendants and black victims, and in 19 percent of the cases involving white defendants and black victims.

Baldus subjected his data to an extensive analysis, taking into account 230 variables that could have explained the disparities on nonracial grounds. One of his models concludes that, even after taking account of 39 nonracial variables, defendants charged with killing white victims were 4.3 times more likely to receive a death sentence than defendants charged with killing blacks. According to this model, black defendants were 1.1 times more likely to receive a death sentence than other defendants. Thus, the Baldus study suggested that black defendants, such as McCleskey, who kill white victims have the greatest likelihood of being sentenced to death.

After the lower Federal courts dismissed McCleskey's writ, he petitioned the U.S. Supreme Court, and the Justices granted certiorari.

Divided, but Affirming

In writing for a divided Court, Justice Lewis F. Powell Jr. narrowly framed the issue to be considered:

"This case presents the question whether a complex statistical study that indicates a risk that racial considerations enter into capital sentencing determinations proves that petitioner McCleskey's capital sentence is unconstitutional under the Eighth

and Fourteenth Amendment." (Emphasis added.) Justice Powell then held, just as narrowly, that in McCleskey's particular case, the death penalty was not unconstitutional.

In its complex decision, the Supreme Court held that:

1. The Baldus study does not establish that the administration of the Georgia capital punishment system violates the Equal Protection Clause.

To prevail under that clause, McCleskey had to prove that the decision-makers in his case acted with a discriminatory purpose. McCleskey offered no evidence specific to his own case that would support an inference that racial consideration played a part in his sentence, Powell wrote, and the general Baldus study is insufficient to support an inference that any of the decision-makers in McCleskey's case acted with discriminatory purpose. McCleskey's statistical evidence must be viewed in the context of his challenge to decisions at the heart of the state's criminal justice system, according to the Court. Because discretion is essential to the criminal justice process, the Court noted, exceptionally clear proof is required before the Supreme Court will infer that discretion has been abused.

In Justice Powell's view, there is no merit to McCleskey's argument that the Baldus study proves that the State has violated the Equal Protection Clause by adopting the capital punishment statute and allowing it to remain in force despite its allegedly

discriminatory application. For this claim to prevail, McCleskey would have to prove that the Georgia Legislature enacted or maintained the death penalty statute because of an anticipated racially discriminatory effect. There is no evidence that the legislature either enacted the statute to further a racially discriminatory purpose, or maintained the statute because of the racially biased impact suggested by the Baldus study.

2. McCleskey's argument that the Baldus study demonstrated that the Georgia capital sentencing system violates the Eighth Amendment's prohibition of cruel and unusual punishment must be analyzed in the light of the Supreme Court's prior decisions under that amendment. Decisions since *Furman v. Georgia*, 408 U.S. 238, have identified a constitutionally permissible range of discretion in imposing the death penalty.

3. The Baldus study does not demonstrate that the Georgia capital sentencing system violates the Eighth Amendment.

McCleskey cannot successfully argue that the sentence in his case is disproportionate to the sentences in other murder cases. On the one hand, he cannot base a constitutional claim on an argument that his case differs from other cases in which defendants did receive the death penalty. The Georgia Supreme Court found that his death sentence was not disproportionate to other death sentences imposed in the state. On the other hand, absent a showing that the Georgia capital

punishment system operates in an arbitrary and capricious manner, McCleskey cannot prove a constitutional violation by demonstrating that other defendants who may be similarly situated did not receive the death penalty. The opportunities for discretionary leniency under state law does not render the capital sentences imposed arbitrary and capricious, according to Justice Powell. Because McCleskey's sentence was imposed under Georgia sentencing procedures that focus discretion "on the particularized nature of the crime and the particularized characteristics of the individual defendant," it may be presumed that his death sentence was not "wantonly and freakishly" imposed, and thus that the sentence is not disproportionate within any recognized meaning under the Eighth Amendment. *Gregg v. Georgia*, 428 U.S. 153, 206, 207.

The Court went on to find no merit in the contention that the Baldus study shows that Georgia's capital punishment system is arbitrary and capricious in its application. Justice Powell felt that the statistics do not prove that race enters into any capital sentencing decisions, or that race was a factor in McCleskey's case. The likelihood of racial prejudice allegedly shown by the study does not constitute the constitutional measure of an unacceptable risk of racial prejudice, the Court held. The inherent lack of predictability of jury decisions does not justify their condemnation. On the contrary, it is the jury's function to

make the difficult and uniquely human judgments that defy codification and that build discretion, equity and flexibility into the legal system.

At most, the Court found that the Baldus study indicates a discrepancy that appears to correlate with race, but this discrepancy does not constitute a major systematic defect. According to Justice Powell, any mode for determining guilt or punishment has its weaknesses and the potential for misuse. Despite such imperfections, however, constitutional guarantees are met when the mode for determining guilt or punishment has been surrounded with safeguards to make it as fair as possible.

Life for the Death Penalty

This decision should not be misunderstood by either by the pro- or anti-capital punishment forces as the High Court's final word on the subject. By narrowly drafting this opinion to fit the particular facts and circumstances of the McCleskey case, the Court has left the door to the deathhouse opened just a crack, for another look, probably in the near future.

(*McCleskey v. Kemp*, No. 84-6811, decision issued April 22, 1987.)

Jonah Triebwasser is a former police officer and investigator who is now a trial attorney in government practice. He is a member of the Bar of the Supreme Court of the United States.

Alternatives sought for crammed state prisons

Continued from Page 5

they are addicted, and do community service. They might also have a curfew, be under house arrest or electronic surveillance, and make restitution for their crime. The CoPP program would "provide adequate punishment, safeguard our neighborhoods and offer the potential for rehabilitation," according to Robert Gangi, executive director of the Correctional Association. CoPP is estimated to cost \$3,300 a year per offender, about one-eighth the cost of keeping him in prison.

To put CoPP into effect, the Legislature would have to modify the Second Felony Offender Law to permit judges to sentence non-violent repeat offenders to the new program instead of prison. That may be within the realm of possibility because the Department of Correctional Services and some district attorneys have joined the Correctional Association in calling for changes in the law.

At this writing the Correctional Association was awaiting Gov. Cuomo's detailed proposals for prison construction and alternative sentencing ideas. (In late

January, in his budget message, the Governor called for the construction of two new prisons and increased funding for the Department of Correctional Services and the divisions of probation and parole.) "If his proposals do not include alternatives similar to those we recommend in 'The Road Not Taken,'" said Gangi, "then we will ask the Legislature to include funding for the kind of intensive supervision probation program we call for."

Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675

Coming up in LEN:

'Won't you let me take you on a sea cruise?'

LEN looks at security on the high seas in a special interview.

Rights groups blast report citing no link between race, lethal force

Continued from Page 3

from police reports and other official records, which sparked further criticism from citizens' groups. In-depth studies were conducted in only two cities, Rochester and Syracuse, where the use of force was found to be "infrequent," occurring in less than 5 percent of all arrests and 0.17 percent of all calls for assistance.

While the same sort of records are not kept by the New York City Police Department, Curran said the findings would apply statewide.

To confirm this, commission members accompanied NYPD officers on patrol in three precincts and reported that they acted responsibly.

Another component of the Curran study involved a poll of 1,000 New Yorkers, 74 percent of whom were white. Only 7 percent of those surveyed identified police use of force as the biggest problem.

Among other recommendations from the commission:

¶ Police departments should develop procedures to inform complainants in writing and within a reasonable period of time of the disposition of their complaints.

¶ Departments should not tolerate the use of racial epithets by officers. Complaints about the use of such slurs should be taken more seriously than they are currently, and every officer who uses a racial epithet should be disciplined.

¶ Police departments that authorize the use of choke-holds should regard such restraints as deadly force, to be used only when other, less lethal means are unavailable.

¶ Police and correctional agencies should adopt policies barring off-duty police and correctional officers from using their peace-officer status in any attempt to arrest individuals for minor violations of law, or to resolve personal disputes in which the officer, his family or friends are involved.

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The big picture:

Madison eyes officer control of policing style

Continued from Page 1

community input before setting up a day-to-day operational agenda.

"We want to do it in such a way that we would not interfere with any sort of larger evaluation purpose of the project that might take place after it's implemented," Maples told LEN.

The experimental police district should be in place by the first of next year.

The planning team has met with the four aldermen of the area chosen for the experimental approach and has held several meetings at which planners and residents discussed problems in the area and ways in which police could respond more effectively.

Looking and Touching

Couper, who initiated the project, sees the experiment as a field laboratory in which police officers will be able to be "innovative and creative." In that atmosphere, he said, "we can really go down and look at it and touch it and see how it works and hopefully it will provide some leadership in the police field."

The neighborhood chosen for the project, Maples pointed out, has both upper- and lower-income housing, with a slightly higher minority-group population than in the rest of the city. "We wanted one that was very representative both socioeconomically and racially," she said. "We think we have a real opportunity to do

some networking with agencies down there that we haven't done in the past."

Community response to the project has been tremendous, she said. "Being at these public meetings, the enthusiasm and excitement that's been generated has been incredible."

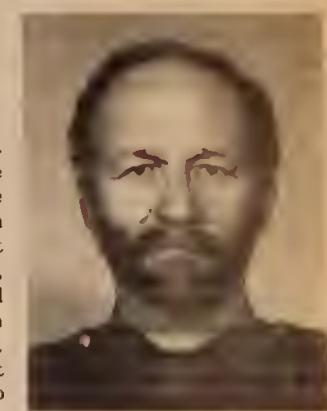
The project, she noted, is being set up so that policies which would not be feasible under normal circumstances can be explored and evaluated for implementation in the rest of the department.

"There is certainly a good chance that we would set up a decentralization plan for the rest of the city," Maples said.

No 'Value-Laden' Experiment

"In addition to the idea that there has to be a better way of doing what we've done for so long," explained Couper, "is a look at the future. In 1985 when we put together a committee on the future of the department, we started talking about three main themes, one of which was to get closer to the people we served, another was technology and another was developing health and wellness in the workplace. How could we try these things out if we didn't have a laboratory to do them in?"

The idea is simply to try things and see how they work, Couper told LEN, instead of taking on "value-laden experiments" in



Chief David Couper

which researchers are compelled to prove the rightness of their project.

Counties harvest trouble as timber money falls

Continued from Page 1

winds up hurting local law enforcement, since most counties have very small tax bases.

Ross said the Federal Government is now trying to cut back on O&C revenues by basing the counties' revenues on the net profit from timber sales instead of the gross, which is the way it has traditionally been formulated. "In other words," he said, "last year we got \$3.6 million in O&C revenues. That plan would cut that back to about \$1.5 million."

Layoffs and No-Hires

For the Coos County Sheriff's Department, that could mean substantial cutbacks in the number of patrol officers, Ross said. "We have not, in the last year, hired five people who need to be replaced."

In neighboring Curry County, eight deputies have been laid off

in the past five or six years, said Sheriff Robert Babb.

The county, he explained, is "99 percent" dependent on O&C land revenues. "It pretty well dictates how much money we're going to have from year to year."

Sheriff Norman Neal of Douglas County has 133 deputies now, compared to 153 before the crunch hit in the early 1980's. While the county has been able to hold the line on law enforcement services, Neal said he "could use 10 men without a blink of an eye."

Like Curry County, Douglas County is almost completely dependent on O&C money. "If they cut back further, I'll be looking at cuts," Neal said.

In Clatsop County, near the Washington border, Sheriff John Raichl's cutbacks in services have been caused by the mismanagement of timber resources.

More than 30 years ago, timber land owned by Clatsop County was turned over to the State Department of Forestry for management. Like many of Oregon's counties, Clatsop residents kick in only a small share of the tax base.

The Forestry Department has gotten so far ahead of its cutting cycles, Raichl said, that there was a slowdown for about seven or eight years. Since 1982, revenue has decreased from about \$3 million to \$300,000.

No Patrol, No Stats

The sheriff's department has had to cut back its patrol force by about 90 percent, Raichl said, and equipment is out of date. "We are not able to do the primary law enforcement functions," he told LEN. "We are down to basically not having any law enforcement patrols at all."

Raichl's force responds only to burglaries, but with present manpower only a third to a half of those can be handled. "We think crime has gone up but we don't know because we don't have anyone who does statistics anymore," he noted sardonically. "Every time we go out, someone tells us about the television set stolen from their house and if we

see it, it came from there."

An immediate consequence of the department's inability to respond has been that as residents tired of calling and getting no response, they simply stopped calling.

Clatsop County voters recently approved a special tax levy of \$1.4 million to prop up their sagging law enforcement service.

Last-Resort for Revenue

The tax levy has become almost the last resort for some counties. Sheriff Neal of Douglas County said that if O&C money is cut further, he would consider asking residents for one. "We went to the people a few years back and asked for a tax levy," he said. "They supported us because they want law enforcement."

A proposed tax levy of \$600,000 in nearby Pacific County, Wash., recently failed, forcing Sheriff Jerry Benning to cut his deputies back from four to two.

Sixty-six percent of Pacific County land is owned by private industry, he said, and a reduction of the timber tax has cut the county's general budget by 40 percent.

According to Benning, the county got "gouged" by both the state and the Federal Government when the state legislature

decided to "give a break" to the major timber companies, and the Federal Government allowed those companies to default on ground bought in anticipation of reaping huge profits from logging.

"They had made these exorbitant bids for this timber to make sure they got it, but when the prices went down, they had all this money hanging out in bids so the government allowed them to default," Benning said.

Over the past two years, the department has gone from 14 deputies to two as of May 22. The department's budget was over \$1 million in 1985, said Benning, compared to this year's budget of \$750,000.

In addition, the department is out of pocket by some \$18,000, which used to finance a tax levy campaign that failed by less than 1 percent of the votes needed

Awaiting the Deluge

"I talked to a lot of people who run sheriff's offices and I've asked them if they've ever been in the same position and they haven't been," said Benning. "I'm the first they've done it to in the state of Washington."

It is going to be a "real in-

Continued on Page 14

Supreme Court to look at NYPD sergeants' exam

The New York City Police Department's effort to find a problem-free process for promoting new sergeants is apparently not yet over, as the U.S. Supreme Court has agreed to review an appeal by white police officers who claim they were unfairly passed over for promotion.

The plaintiffs charged in their suit that black and Hispanic officers who scored the same or lower as white officers on a 1983 sergeants' exam were promoted anyway as a result of a court-approved settlement.

The suit, which involves 159 officers, had been dismissed by the Second Circuit Court of Appeals, which ruled that officers had no right to challenge a settlement made by the city and the parties to the early lawsuit.

The 1983 sergeants' exam was taken by 1,420 black officers and 1,003 Hispanic officers. Only 23 black officers and 44 Hispanic officers passed.

Under Federal guidelines, the test was presumed to be discriminatory toward minorities, and black and Hispanic officers filed a Federal suit and five state lawsuits. As part of the settlement, the city agreed to promote all officers eligible on the basis of their test scores, along with enough black and Hispanic officers, regardless of their scores, to make up a new class of sergeants proportional to the number of black and Hispanic officers who took the exam.

New York City assistant corporation counsel Leonard Koerner, who will represent the city before the Supreme Court, said the white officers should have pressed their case earlier.

While the appeal will have not an impact on police manpower, Koerner said, earlier challenges to the 1983 test have resulted in a severe shortage of police supervisors.

New view of race:

Bias victims get new remedy

Continued from Page 1

tion of the laws. We have witnessed a rising tide of acts of vandalism, assaults and threats which emanates out of America's military involvement in the Middle East or acts directed against Americans in the Middle East."

Observers say the impact of the ruling should be most felt in cases involving job discrimination by private employers. Although the Civil Rights Act of 1964 — now codified as Title 42, Sections 1981 and 1982 of the U.S. Code — covers the same ground as the Court's ruling, experts say plain-

tiffs will now have a better chance to recover damages.

The 1866 law was originally adopted to protect former slaves from racial discrimination. Expanding that intent to include all ethnic groups, Justice Byron R. White, writing for the majority, observed that the post-Civil War Congress "intended to protect from discrimination identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics."

The concept of race, said White,

was applied loosely to a wide variety of ethnic and national groups when the law was formed. It was created, however, to forbid discrimination whether or not it would be classified as racial in terms of modern scientific theory.

Although the cases directly affected by the ruling uniquely place Jewish and Arab groups on the same side of the legal fence, the primary beneficiaries of the ruling are likely to be Hispanics, who far outnumber both Jews and Arabs in this country and file claims of ethnic discrimination with greater frequency.

Federal drug-test program comes up clean

By Richard K. Willard

The Federal Government is just one of an increasing number of employers who have recognized a need to create an environment of zero tolerance for drug use by drug testing employees.

Because of the high rate of illegal drug abuse in our society and its debilitating effects on the workforce, both public and private employers are increasingly instituting drug testing programs to deter employees' use of illegal drugs. Testing programs such as these have been enormously successful resulting in fewer on-the-job accidents, increased productivity and improved employee morale. Consequently, their use is growing. The success of these programs gives us real cause to hope that a carefully implemented program of drug testing can lead to real progress in the war on drugs.

The Administration's program, as set forth in Executive Order 12564, is designed to achieve not only a drug-free Federal workplace, but also to serve as a model for similar programs in the private

sector. The Executive Order requires agency heads to develop plans that must include a statement of agency policy, employee assistance programs, supervisory training programs and procedures to put drug users in contact with rehabilitation services. Drug testing is an effective and reliable diagnostic tool to be used along with other indicia of illegal drug use to identify drug users. Of course, an aggressive program of public education is continuing to warn of the dangers of illegal drug use. We must make clear that drug use by Federal employees — whether on or off duty — is unacceptable conduct that will not be tolerated.

The Executive Order, by its very nature, sets forth a general authorization for a drug-testing program without specifying in great detail how such a program would be conducted. The implementing guidelines like those recently released by the Department of Health and Human Services are designed to afford protection to the individuals being tested

without compromising the integrity of the program.

Random or uniform unannounced drug testing would apply only to certain employees. These would include law enforcement personnel, employees designated Special-Sensitive, Critical-Sensitive and Noncritical-Sensitive under Federal personnel rules, all Presidential appointees, all employees with a secret and top secret security clearance and any other employees whom that agency head determines hold positions "requiring a high degree of trust and confidence."

As the Executive Order makes clear, the head of each agency will decide how many of the covered employees would actually be tested, based on the agency's mission, its employees' duties, the efficient use of agency resources and the danger to the public health and safety or national security that could result from the failure of an employee to adequately discharge the duties of his or her position.

In addition, the testing could take the form of random testing of only a fraction of covered employees each year. Our program is flexible in that testing frequency can be adjusted based upon extent of drug use and degree of job sensitivity. Also, voluntary testing programs will be set up for nonsensitive employees. Finally, the order authorizes any applicant for a Federal job to be tested for illegal drug use.

The Administration's program contains numerous safeguards to insure reliability and fairness. First and foremost, the Administration will not base any action on an initial test. In-

adulterate a sample, it has been our experience under testing programs, that the mere fact that a test is required will insure a significant deterrent effect on illegal drug use. With this single change, the program will be no more intrusive on an individual's privacy than an ordinary visit to the doctor.

Our program is premised on the President's strongly-held belief that Federal employees who are found to be using drugs should be offered a "helping hand" to end their illegal drug use. Each agency is required to establish employee assistance programs to insure an opportunity for counseling and rehabilitation, and to refer employees to counseling if found to be using illegal drugs. The 60-day warning period prior to implementation of a drug-testing program will allow casual users to cease and addicts to come forward and request treatment. Moreover, no disciplinary action is required for an employee who comes forward voluntarily and agrees to be tested, obtains counseling or rehabilitation, and refrains from illegal drug use in the future.

Obviously, agencies must have the discretion to relieve employees in sensitive and potentially life-threatening positions of their assignments where drug use is indicated. However, even here the agency head would have the discretion to allow an employee to return to a sensitive assignment as part of a rehabilitation program.

Career employees in the Civil Service are protected by statute from pre-emptive dismissal or discipline by their superiors. Instead, due process protections included in the Civil Service Reform

Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

U.S. Constitution: Thurgood Marshall's criticism is both wrong and unwarranted

"Thurgood Marshall has as much right as anyone else to speak out on public issues, but his criticism of the Constitution's Framers was seriously flawed. It was all the more wrong for coming from someone with 20 years on the Supreme Court. Justice Marshall used the forthcoming celebration of the Constitution's Bicentennial to accuse the Framers of putting self-interest before moral principles. He said he does not 'find the wisdom, foresight and sense of justice exhibited by the Framers particularly profound.' Justice Marshall is to be pitied for missing the main point: that the Constitution's strength is proved by 200 years of endurance with flexibility. It is not only unfair but invalid to make judgments that totally ignore historical context. Mankind's social evolution has been a long and often arduous process. It will continue to be so. To judge the real value of such documentary milestones as the U.S. Constitution, it is necessary to view them within the societal framework in which they were written. Do that, and the Framers' work is more than profound."

— *The Cincinnati Enquirer*
May 12, 1987

Plan together for 911

"Nobody plans emergencies. They happen unexpectedly, often rapidly. Emergencies, however, can be planned for. And one of the best preparations communities can make is to buy an enhanced 911 phone system. But to install two such systems if one could do the job would be bad preparation indeed. Yet that's what could happen if Fort Wayne and Allen County don't meet to talk about their communications plans. The county currently is serving as an enhanced 911 test site for General Telephone, so the numbers it answers already have the service. The city doesn't have enhanced 911 yet but is proceeding in that direction. Unfortunately, however, while the city and county each develop separate plans, people knowledgeable about the equipment say that one system is all that's needed. Before any more steps are taken, the city and county should meet to decide on the most cost-efficient system for all Allen County residents. Enhanced 911 is a valuable emergency service, and it's sure to save lives. But taxpayers shouldn't have to pay for two systems, no matter how valuable, if one would do."

— *The Fort Wayne (Ind.) Journal-Gazette*
May 8, 1987

Death and life

"Plans have been unveiled for a new and very different monument in Washington, D.C. It is simple in concept: A circular bower of flowering trees. And it is, simply, an exquisite idea. For it would honor all American law enforcement officers killed in the line of duty. If the site is approved — and if the National Law Enforcement Memorial Fund can raise the money — the trees would grace the Ellipse between the White House and the Washington Monument. As the project's architect said, 'What we wanted was a living memorial that will be with us forever. When the trees bloom... people will remember.' There is need for such a memorial. Because too many people forget. Because too many take police — and the death of police — for granted. And that is nearly as tragic as the deaths themselves."

— *The New York Daily News*
May 7, 1987

"We must make clear that drug use by Federal employees — on or off duty — is unacceptable."

stead, following an initial positive test result indicating drug use, we would test the same sample using a second, much more reliable device, such as the gas chromatography/mass spectrometry test. This test is more expensive than the initial screening, but it is virtually 100 percent reliable. The Navy has been conducting 1.8 million tests per year for four years straight with no false positives.

Because there is a danger of an individual attempting to adulterate or substitute a specimen, many firms require that the sample be provided in the presence of, and under observation by an attendant. Obviously, this is a significantly greater infringement on an individual's privacy than if he or she is permitted to provide the sample behind closed doors, as is routinely the case in most physical examinations.

In an attempt to minimize the intrusiveness of the required drug test, procedures for providing urine specimens must allow individual's privacy, unless the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided. Although this might make it easier to

act insure them of the right to notice and opportunity to respond before any adverse personnel action is taken and the right to an impartial adjudication of a subsequently filed appeal. None of these rights would be abrogated by the President's Executive Order.

We are confident that Executive Order 12564 fully complies with all legal requirements. The central constitutional issue is, of course, in what circumstances drug testing can be seen to violate the Fourth Amendment. At the level of the Courts of Appeals, all five circuits that have addressed some aspect of the issue have upheld the constitutionality of drug testing.

The Justice Department has been in the thick of much of the recent litigation. For example, we have argued in support of the constitutionality of the FAA's drug testing program for air traffic

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Richard K. Willard is assistant U.S. attorney general in charge of the Justice Department's Civil Division. The foregoing is adapted from recent testimony before the Senate Judiciary Committee.

Imagine a vibrant port city, visited by ships from all over the world. Imagine a multi-ethnic city, composed of numerous neighborhoods with a cornucopia of cultures — cities within a city. Imagine a city built on hillsides, reaching far back from the waterfront to inland suburbs. Lastly, imagine a city whose "moderately cool" climate is washed with onshore breezes gliding in from a vast body of water.

Now, try not to imagine the city of San Francisco, because you'd be very, very wrong.

The enticing city in question is, in fact, Duluth, Minn., nestled snugly against the westernmost tip of Lake Superior. While some might quibble with Police Chief Eli J. Miletich's description of the weather there — in fact, the average January temperature is close to zero degrees Fahrenheit — none should quibble with his glowing assessment of his police department's track record. In his five years as police chief, he and his department have made pioneering breakthroughs in the handling of spouse abuse, enrolled nearly half the city in neighborhood watch programs, and opened previously-sealed promotional doors for female police officers in the

department.

Miletich was an admitted "doubting Thomas" when his department was first approached in 1980 with the idea of implementing an experimental program of mandated arrest for cases of domestic abuse. But the skeptic was to become a convert to the cause, for, as he puts it: "The results were really startling. It showed that while the old way was not doing anything, the new way showed possibilities." Since then — and with the accession of then-Lieutenant Miletich to the chief's job — the experiment has become an institutionalized part of the department, and Miletich has taken the show on the road to explain how other departments can enjoy the same success in combating spouse abuse.

As a member of the state Peace Officers Standards and Training board, Miletich is understandably high on the idea of upgrading the professionalism of police. Mandated educational and training requirements are all well and good, he maintains, but particularly in a city like Duluth, it's still important to get police recruits "who have blisters on their hands," so they can relate to the blue-collar community. And, given the POST board's re-

quirement of two years of certified college education in a law enforcement-related field, Miletich faces an uphill struggle to hire college-educated recruits, since the University of Minnesota campus in Duluth recently abandoned its two-year program in law enforcement, thus closing the door to many would-be officers who are unable to afford out-of-town colleges.

At age 51, Chief Miletich is still brimming with vitality, hiking and playing tennis with his wife, and playing hockey and softball with the police department team. Throughout a career that reaches back to January 1959, he has found time to serve on the Duluth Board of Education, serve for 16 years as president of the Duluth police union and for 11 years as regional vice president of the International Union of Police Associations. He relishes the fact that he's known for his candor, just as he relishes the support and encouragement that his police department gets from local residents. His native city may be only third in population within the state of Minnesota — and an as-yet undiscovered secret throughout most of the rest of the country — but in Miletich's estimation, his department and his city take a buck seat to no one.

'We're damn proud of this department and its track record.

We've got a pretty strong and clean cultural environment that we live in and are raised in, and it's reflected in the department.'

Eli J. Miletich

Police chief of the 'big little city' of Duluth, Minnesota

Law Enforcement News interview
by Peter Dodenhoff

LAW ENFORCEMENT NEWS: For the benefit of those who are less than familiar with Duluth, could you give us a whirlwind overview of the area?

MILETICH: The city of Duluth is stretched out, and by that I mean it's a long, narrow city of about 26.9 miles long and about 8 miles at its widest, with about 10 or 12 separate residential communities within our city limits. At one time back in the early 1800's, they were all separate settlements, as most cities began, I guess, and they evolved through consolidation into Duluth. But each area preserved features unique to the ethnic background of the people who settled them.

We are at the western tip of Lake Superior, and as such the prevailing winds come off that lake, particularly in the winter time. I'm going to be very tactful and say that we're moderately cool in the winter [laughs], despite the propaganda coming from the Eastern Seaboard and other parts of the country. All that cold weather comes from Canada, not from us. Being on the western tip of the lake, we're part of a geographical area known as the Duluth Hills; our downtown area and the adjoining residential areas are on a hillside, not too dissimilar to San Francisco. In fact, some of our down-

town hills quite often remind visitors from the West Coast that they may be in San Francisco — minus some of the towering buildings, since I think our tallest building is about 20 stories high.

We have quite an ethnic makeup, ranging from the original inhabitants — the Native Americans — who make up approximately 2 percent of our community. Within 15 to 20 miles of Duluth are several of what have been popularly referred to as reservations, namely the Ojibwa or Chippewa tribe, and they were the original residents of this area. There were Finnish settlers at one time, Swedes and Norwegians before that, the Slavic people and the Italians came shortly after the turn of the century, the Irish likewise, so we have quite a diverse community as far as ethnic makeup is concerned. In recent years we have added Southeast Asians to our population as well, and they seem to be integrating well into the community.

'Our crooks are their crooks'

LEN: You're part of a metropolitan area that also includes the city of Superior, Wisc. Does that proximity pose any problems that require unusual intercity or interstate cooperation?

MILETICH: I guess I'd have to compare it in some ways to New York and Newark, or any other adjoining

communities across a small body of water. We have a number of bridges that interconnect the cities, and law enforcement-wise the age-old policy of hot pursuit has always applied. In recent years we've been working on mutual aid pacts — first on our side of the bridge with some of the smaller communities outside of our city limits, and also with Superior and Douglas County in Wisconsin. Our state of Minnesota passed enabling legislation two years ago that allows us to do so with cities of bordering states, and the Wisconsin

Legislature is considering and hopefully will pass this month a bill which allows them to enter into a mutual aid agreement. The main purpose of a mutual aid agreement would be to indemnify officers acting in their capacity as law enforcement officers, but in another state upon request of the chief law enforcement official of that

other state. The indemnification for liability is the biggest concern we all have. What we do now is we informally authorize officers to cooperate with Superior officers, even by going across the bay, and likewise they do the same. In fact administrators of both departments hold quarterly meetings to discuss problems of mutual concern, how to resolve them, and we even discuss problem people, because with those bridges there's a continual flow of traffic between cities.

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'What we're doing has been tried in other communities. What we're doing is being innovative by plagiarizing from other communities and putting these ideas together as a package.'

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LEN: I assume that a continual flow of traffic also implies a continual flow of offenders who might want to hit one city and run to the other...

MILETICH: In simple terms, their crooks are our crooks, and our crooks are their crooks [laughs].

LEN: Does the fact of your being situated on the western tip of Lake Superior pose any unusual crime or law enforcement situations for your department? I'm thinking of the large volume of maritime traffic coming and going, and the scamen who come with it.

MILETICH: This is the largest grain port on the Great Lakes, and being where we are, we have Great Lakes traffic — ore carriers, coal carriers, grain carriers and other kinds. We also have foreign vessels from all corners of the world, because this is the furthest point in the interior of the U.S. which they can reach by water. But as far as cargo theft goes, most of that monitoring is being done by Customs and other Federal officials. We assist them when need be, but they're most adept and most trained at following through and determining things like that. Of course, we have our own people on the waterfront and whatever we come upon we pass along to the appropriate agency.

LEN: Is there other cargo coming in that's somewhat less desirable — narcotics, specifically?

MILETICH: From time to time we've had it, and we like to think that we've nipped it in the bud, but we're never sure what's going to be coming in practically under our nose. We have to rely on contacts that we have in certain areas of the waterfront. That would include employees working on the waterfront, in general labor or cargo-handling or what have you. Duluth is just a moderate-size city, sort of a big little city, in that we do have heavy railroad traffic, heavy sea traffic, but we still know a lot of people. I think every police officer knows 10 to 20 longshoremen, for example.

LEN: Duluth is a hub of traffic for iron ore. Has the recent slump in the iron and steel industry affected the city and, ultimately, the job of the police there?

MILETICH: Knock on wood, it hasn't adversely affected us to this point. The city and business people have been working to diversify the industrial and commercial base of our community, while the iron mining towns to the north of us have been in a depressed state. We've been in a recovery mode for the last three or four years because of this diversification, and therefore crime has not jumped by any leaps and bounds. As a matter of fact, in the last four years our crime rate was on the decline, except for '86, when it went up by 1.4 percent. In Minneapolis and St. Paul, on the other hand, which are supposedly enjoying boom years economically, crime has been up by 11 percent in Minneapolis, I think, and 8 or so percent in St. Paul. Not that those statistics mean anything, because I'm not much of a believer in crime stats.

Dressing for the weather

LEN: A Minnesota colleague of yours noted recently, "Let's hope for a real cold winter," as if to suggest that that would help reduce criminality by forcing people in-

doors. Have you observed any correlation between the severity of Minnesota winters and crime rates?

MILETICH: Oh yeah, but it's only from years of experience, not from anything official that we've done. Everybody knows that cold weather is an inhibitor of crime — although not to any degree that it's going to eliminate it altogether. People who are inclined to commit crime will do the same thing that, say, switchmen or brakemen on the railroad will do: dress for the weather. If they're going to pull a burglary, they'll dress for it. So it isn't that significant. Our crime rate does go up a little bit starting in April, but so does our rate of clearance for those same months.

LEN: Apart from any impact on crime rates, does severe cold — "moderately cool" weather, as you called it — affect policing in other ways, perhaps by requiring additional maintenance for vehicles or reducing foot patrols?

MILETICH: Again, our cops dress for the weather. Our vehicle fleet may show a little higher rate of consumption of gas during the winter months, because particularly during the very cold months we try to keep the cars running during that eight-hour shift until that unit comes in off the streets. So we may use more gas, and there's more wear and tear on the vehicle, but by the same token the things seem to balance out when we get into warm weather.

LEN: You just kicked off a major burglary prevention campaign in the city. Was this effort prompted by any significant problems with burglary in Duluth?

MILETICH: No. As a matter of fact, it emanated because of seeking suggestions from our rank and file as to how we can improve communication with our residential and business or commercial population in the city. As a result of several periodic staff meetings, it came from several quarters within our ranks that this might be an area that we can be active in — that is, providing information to residential and commercial property-holders on how best to prevent burglary, and seeking inputs from the community at large to broaden that contact between police officer and citizen, so that they see

then it gets assigned to a committee to review and refine.

LEN: Is the burglary prevention campaign likely to build on research or operational thinking from other jurisdictions — ideas that are proven winners elsewhere?

MILETICH: Oh sure. For example, Minneapolis right now is undergoing a program whereby they are concentrating on contacting persons responsible for property where there is a history of trouble — be it a landlord of a large apartment building or maybe a campus facility or some commercial enterprise where there have been documented repeated calls to a given place. By way of preventive action, they're going out and contacting people who are responsible for that piece of property, to sit down and have a conversation with them, encouraging them to be more mindful of the activities going on on that piece of property. Hopefully by these kinds of activities, they can reduce the alleged illegal activities that squads are responding to, and therefore reduce the number of complaints coming in. We're watching that, and we've been in contact with Minneapolis, and they're going to provide us with information on a periodic basis.

LEN: Have you, like police chiefs elsewhere, found that burglaries are largely the work of a small core group of repeat offenders?

MILETICH: Most of your professional burglaries, yes. As far as certain hard-core burglars being responsible for a higher number of crimes, we know that if you make a bust and arrest somebody for a given burglary tonight, and you've got good probable cause, he may end up being convicted on that. If he's a hard-case character, he may not give you information on others that he's committed, but the M.O., all of the trace evidence and everything else that he's done similar to that shows up on reports, on stats that are kept, on documents. You just know that if he were to cough it up you'd have a clearance of probably a dozen or more. You can rest assured that everything you've gleaned from previous burglary investigations leads right to his doorstep. On the other hand, other individuals may end up, as we say, coughing up on themselves and giving you a clearance on a dozen or more jobs. Even though the

'Cold weather is an inhibitor of crime — although not to any degree that it's going to eliminate it altogether. People who are inclined to commit crime dress for the weather.'

that the guy riding by in a marked squad car is not just a faceless uniform driving by, who only responds to their particular location in time of need. It was an evolutionary process that came up toward the latter part of '86 and we've developed it with a committee of staff people. This was the fruit from that particular seed.

All-points bulletins

LEN: Do you routinely harvest that kind of fruit from seeds planted at the lower levels of your department?

MILETICH: We routinely encourage it and we routinely attempt to develop it. Our department is 168 strong, and we hold staff meetings every week with the three division heads — uniform, investigative and services — and then every other week with lieutenants who command personnel, and every second month with every supervisory sergeant, lieutenant and inspector. We broadened the meetings to that extent so that everybody, whether it's a patrol sergeant or a detective sergeant, as long as they command somebody, takes part in it. To assure that everybody receives feedback from what takes place in these staff meetings, one of our secretaries sits there and takes minutes, and also tape-records the entire proceeding, and then a printed copy is provided to every attendee to review with members of their units. Upon review, they seek input and solicit whatever changes somebody may have in mind, or whatever suggestions they may have. That way we reach down to the newest recruit.

LEN: So I take it that there's very little in the way of programs or policies that gets implemented without first being circulated throughout the department for comment?

MILETICH: That's right. In fact, any policy change or procedural change receives scrutiny by the staff, and

clearance rate in some jurisdictions is 10 to 15 percent, if in fact they could attribute these other burglaries to some of the same individuals, the clearance rate would probably be somewhere around 45 to 50 percent. You have a number of them where you can't get a clearance but you just know it's John Doe who's doing the job.

Innovation through plagiarism

LEN: Are there any novel ideas that are to be built into the burglary prevention campaign, even if only to see if they work?

MILETICH: I don't see that there's anything new or novel, because what we're doing has been tried to one extent or another in other communities throughout the country. What we're doing is, in a sense, being innovative by plagiarizing from other communities and putting these ideas together as a package. That's innovation in a sense.

LEN: Do you find that the residents of Duluth have to shoulder some added responsibility for burglary prevention, in terms of their being lackadaisical about taking precautions such as locking their cars or houses?

MILETICH: We need more citizen attention to the program, although that attention has been increasing in the last four or five years. We've been working in that direction, and we've had some concerned citizens' assistance. We've developed a neighborhood crime watch that probably right now has about 40 percent of the city involved in it. Our goal is to try and make it 70 percent within the next couple years. We have a speakers unit under the direction of our community relations officer, and we draw people from the various divisions and other units of the department who make themselves available to speak to community groups — P.T.A.'s, community clubs, Kiwanis, Lions, other social and fraternal

LEN interview: Duluth's Chief Eli Miletich

organizations — not only talking about burglary prevention, but about sexual assault prevention, robbery prevention, whatever subject may be of particular interest and concern that community or fraternal group.

LEN: Is the new burglary prevention campaign going to draw on other resources within the city, such as the Chamber of Commerce, insurance firms, the city housing department or other agencies?

MILETICH: Starting this month, our water and gas department will include with their monthly billings — which go to every resident of the city and every facility in the city — an insert on burglary prevention kits. And also it will give people information on how they can contact anybody from this department for whatever assistance they may need.

Let me just interject that we've got an innovative program that has to do with another element of a particular offense that in some areas of the country they still don't regard as a crime, and that's spouse battering...

LEN: You just second-guessed me on the tack I was about to take next — although your interjecting it here suggests just how proud you are of the spouse-abuse program.

MILETICH: You're damn right.

LEN: Your department has achieved what amounts to a position of national leadership on that subject, at least when it comes to comprehensive approaches to spouse battering. How did this distinction, and your program in itself, come to pass?

MILETICH: Well, let me just tell you first that we're under consideration for a national award from the Ford Foundation and Harvard University for this program. We've received recognition from the Justice Department, we've presented papers on it at a National Institute of Justice seminar in Anaheim in 1983, and then in Phoenix in 1985. This all helped to broaden awareness of our program.

To give you a real quick history of it, though, in 1980 and '81, our department was approached by the battered women's coalition for our city and asked to get involved in an experimental program whereby half of our department's uniform division would make arrests for an assault which was not committed in their presence. As you know, an officer cannot make an arrest for a misdemeanor — like a misdemeanor assault — unless he witnesses it. Most statutes in most states declare that an officer must witness a misdemeanor offense of any kind. In Minnesota the statute was amended in cases of domestic abuse to allow a local police chief to promulgate a policy whereby officers would make an arrest based on evidence of physical assault — namely injuries to the victim, such as cuts, bruises, bumps, lumps, knife wounds, whatever — if the officer believed that the husband, boyfriend, live-in committed those injuries. But in order to make the arrest mandatory the department head would have to promulgate a policy dictating that. The approach was made to our department leadership at that time to have an experiment to show that in fact an arrest could bring about a positive resolution of the issue by forcing the individuals into treatment or counseling. It was conducted for six months, and in the latter part of '80 and first part of '81, half of our uniformed personnel made arrests and the other half went by the old traditional policy of advise, separate, counsel and attempt to play priest, minister or rabbi. Police officers, unless they are a priest, minister or rabbi by profession, are not really equipped to do that kind of counseling, because nine times out of ten that guy goes right back that night or the next day to inflict more damage upon his spouse — and I say "his" spouse because in most cases spouse abusers are men; statistics bear that out.

In any event, our department went through the six-month experimental stage, and I was one of the doubting Thomases. I was our department's training officer as a lieutenant at that time, and I was one that said "show me." I didn't think that what they were proposing and what we were undertaking as an experiment was really going to be an answer. The results were really startling. It showed that while the old way was not doing anything, the new way showed possibilities because it was not arrest for the sake of arrest. It was arrest to

get the individual into the court system, into a court-mandated treatment or counseling program, and, if the individual did not subscribe to that, then time in jail.

The experiment ended and everybody kind of sat still on it for the next year or year and a half. In the spring of '82, I was offered the opportunity to head our department, and shortly thereafter I was lobbied by those people interested in the program. Though I had been a doubting Thomas before, I had been keeping my eye on what was happening, and when they approached me I said that I had no big problem with adopting a policy. However, I wanted to be sure that our officers were not out on the end of a limb. I wanted assurances that the whole criminal justice system was going to become sincerely involved, namely prosecutors following through with a policy of not releasing an individual until at least he's had a court appearance. With the judicial aspect, it means the family court judges taking this seriously and not just releasing the individual to go back into the home to commit further abuses and assaults. So from that insistence evolved several meetings, and I really have to give credit to one person in particular, a family court judge at the time, Jerry Martin, who's now in juvenile court. He has probably greater insight into the problem than just about anybody in this area, and he's one of the people that helped convince me that we should undertake this. We did come to a resolution whereby we would have an interagency protocol, where everybody was going to agree to carry their load. We all signed off on that, so that the cop who makes that arrest wasn't going to be left out there on a limb for somebody to come around with a false-arrest lawsuit or some other nefarious lawsuit that we see plenty of nowadays. With that assurance, on July 5 of '82 we adopted a policy that officers shall make an arrest if they see visible signs of injury or if there was a

to whether to make an arrest in domestic assault cases — they kind of anticipated that we might be coming down there and asking for some moral support for this concept. We prepared a resolution that encouraged law enforcement administrators in the state of Minnesota to review that kind of policy, and to enact it if it's adaptable to their community. After about an hour and a half of debate, the motion was voted on, and there were only two votes in favor: myself and our deputy chief. A hundred and thirty-seven others voted no. In any event, though, there are about some 40 police departments in the state that now have some version of a mandated arrest policy in domestic assault cases. So it's been making good headway.

Crisis intervention

LEN: Another element of the program has been described as perhaps the major claim to fame of the efforts you've undertaken on spouse abuse, and that is the inclusion of special attention and counseling for the abuser as well as for the abused party...

MILETICH: Our department doesn't do that, per se. The battered women's coalition has a trained staff of counselors that become involved immediately after an arrest. It's called the Domestic Abuse Intervention Program. As you noted, they not only contact the abused, but the abuser as well.

LEN: What would be among the services that such a response team might offer to each party?

MILETICH: There is a battered women's shelter for the abused person and for any children that might be involved. At that point, whether the individual accepts a shelter or not, they also provide counseling as to the

"We recognize that what we're doing [about spouse abuse] isn't the only answer. But right now it's one of the better options to doing nothing."

court, order for protection against the suspect, or if they believe the victim was in immediate danger of bodily harm. The courts have interpreted all of those to be fair or valid arrests.

Since that time we seem to have caught public notice and it's mushroomed. We haven't really gone out looking for attention; it's come to us.

LEN: Was the work done in Minneapolis on domestic violence a year or so ago a replication or refinement of what you've been doing in Duluth for a longer period of time?

MILETICH: I guess in all fairness to my good friend Tony Bouza, I'd have to say it was a refined replication. Our policy actually mandates that the officer must make an arrest if the elements that I delineated are present. Their policy encourages arrest. I say this not for purposes of engaging in a dialogue with Tony, because I think he's done a heck of a job with this. In 1983, he was one of the diehards in the state of Minnesota that said he would never have a policy of mandated arrest, and he still doesn't; it's an encouraged policy.

LEN: Given the approach made to your department at the outset by the battered women's coalition, would it be safe to assume that this comprehensive approach to spouse abuse was undertaken as a result of some kind of problem in this area?

MILETICH: No, we were approached not only by the battered women's coalition of Duluth, but by the state battered women's coalition as well, because they felt that the environment was more receptive to an experiment here in Duluth back in 1980 than it would have been anywhere else in the state. That's why they first approached the administration of that time. I think they were right, and let me tell you why. Our policy went into effect in July of '82, and in March of '83 my deputy chief and I went to the Minnesota police chiefs' convention. Word had passed on what our experiment involved, and because most police administrators are pretty protective of what we in law enforcement like to call discretion — they want to reserve for the officers that discretion as

various options that the individual may take. One of the areas that they stress is that they should not reconcile until there has been counseling and/or treatment, and until the abuser is rehabilitated.

LEN: Does the counseling for the abuser take place in custody?

MILETICH: In custody initially, and then after that, providing that the individual subscribes to the options offered to him by the court, there is an ongoing counseling program, for however long it is mandated by the court. So there's constant contact by the counselors with the abuser.

LEN: Do the courts provide for some sort of conditional release or probation if the abuser satisfactorily meets requirements for counseling and treatment?

MILETICH: That's right. I don't know the exact percentages, but the larger amount do get involved in the counseling or treatment programs. For one thing, it's the easiest option to start with, and then many of them get into the swing of it. Even though they're being forced into it, after a while they become deeply involved.

LEN: Does this tend to lead to some sort of reconciliation or resolution of differences — even if that entails marital separation?

MILETICH: Right, but the reconciliation can come early on, depending on the recommendation from the counselors, from the probation officers to the court. It might come the first day after, if they feel assured that there's not going to be further abuse.

LEN: Have you yet compiled any data regarding recidivism in this respect?

MILETICH: Oh boy. The last figures I had were that recidivism was being reduced by some 47 or 48 percent.

LEN: Has the program been formally evaluated as yet?

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Miletich: 'We're damn proud of our record'

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MILETICH: The evaluation is always going on by the probation component of the criminal justice system, and by the Domestic Abuse Intervention Program. They're doing the evaluation, not only of themselves but of us, of the prosecution, of the courts, and thus far they're grading very high. One indication is that the Minnesota battered women's coalition presented us and the Duluth intervention program with an award last year because of the program, for our efforts and because of the success it's enjoyed.

LEN: Success can also be measured by the extent of replication of this comprehensive kind of approach. Have you as yet picked up any indications of this?

MILETICH: Oh yeah. First of all, within the state of Minnesota, like I said, some 40 or so departments have replicated it and tailored it to their own needs. It's not an exact replication, but one based on whatever their needs are: geographical, ethnic, cultural, economic. Like I pointed out, Minneapolis does, to the degree that they encourage their officers to make arrests: they don't mandate it. That's fine, because Minneapolis is a larger metropolitan area and they have to do it according to their needs. Across the country we have engaged in activities such as presentations before the Joint Finance Committee of the Maine Legislature, and assisted there in convincing that committee to approve a quarter-million dollars or so to get their program underway. Likewise, I presented a seminar to Portland-area chiefs of police on how to initiate this program through training efforts and other means to persuade staff people that it's one of the options available to stand around with your finger in your mouth — and that's what the old way was. You stand there while they quarrel, you ask them to separate, and you're back there at some time in the future. In many cases, you're back there to investigate a homicide.

We've also presented workshops in Sarasota, Fla., in Columbus, Ohio, in Green Bay, Wis., in Des Moines, Iowa, in Somerville, N.J., so that sometimes, to be honest with you, we've had too many requests that takes away from our time in our own town and with our own families. But I think it's been worthwhile because it's catching on.

LEN: Across the board, in terms of the cities you've presented this to?

MILETICH: In some cases, we're told that law enforcement administrators are just a bit reticent about becoming involved in this because, again, there's that old bugaboo of discretion, and they don't want their officers to forsake it. So that's one of the reasons that they ask me to come and give them a cop's view or a police administrator's view, to dispel those fears that they're losing discretion. They still need it, and they still have the option of not making an arrest if those elements I mentioned are not present. But it seems to be working.

We recognize that what we're doing isn't the only answer. Maybe somewhere somebody else has got another version or a totally different way to handle it, and it could just be a better way. But right now it's one of the better options to doing nothing.

'Always searching'

LEN: Would it be safe to say that, in your estimation of yourself, you're big on police research and experimentation?

MILETICH: I view our department that way because we don't believe that anything should be cast in stone or regarded as permanent, or the only answer. We're always searching. That's one of the reasons that we hold staff meetings or team meetings, to solicit that kind of input. Eleven and a half months out of the year maybe we won't have a good idea forthcoming from any of us, but somewhere in those remaining two weeks we might have just a surge of ideas. And maybe out of that surge one or two ideas might help us to provide better service. That's what we're looking for.

LEN: Does the feedback that you get tend to confirm the notion that the citizens of Duluth are generally pleased with the quality of service they're getting from their police department?

MILETICH: Oh yeah. Like I say, we're a big little city, or a little big city, and many people know each other, so they feel free to communicate with us verbally and in writing. Generally the support and encouragement we get is really great. Once in a while there's a fly in the ointment as far as the service delivery goes, and we try to pinpoint it and make corrections. Most times the shortcoming is inadvertent, and we're damn proud of this department and its track record. We're free of corruption and free of many of the little iniquities that other departments, small or large, suffer from. We've got a pretty strong and clean cultural environment that we live in and are raised in, and I think it's reflected in the police department.

LEN: The Peace Officer Standards and Training Board in Minnesota is about to mark 10 years of operation. How would you size up the impact of POST requirements and procedures on policing in your city?

MILETICH: I'm against it all — just kidding, actually. I've been a member of the POST board since January of '83 and was recently reappointed to another four-year term, so I'm pretty well acquainted with the POST board and its deliberations. I can't speak highly enough of the staff and of the statute which created the POST board. It's the licensing and regulating board for law enforcement in the state, and I think it's put law enforcement in our state right up at the top, along with the several other states that have similar POST requirements — California and Michigan come right away to mind.

LEN: It would appear that the POST board has had nothing less than a dramatic effect in terms of improving the professionalism of police officers in your state...

MILETICH: Most definitely, in terms of improving the professionalism, the stature, the educational level and the reception of police officers by the community at large.

LEN: How have the POST certification requirements affected recruitment? I'm thinking of the stipulation

skills requirements that Minnesota requires of a resident. If he has the education and/or experience he may be eligible for a reciprocity exam. That's about the only flexibility. Other than that, the state of Minnesota requires two years of academic training and a nine-week skills training.

Recruiting's Catch-22

LEN: Is affirmative action recruitment a problem of any significance in your area?

MILETICH: The city in general has a policy of affirmative action — in other words, we encourage and seek out females and/or minority persons for employment. We have a Catch-22 with respect to the police department. We have a branch of the University of Minnesota here that has an enrollment of somewhere around 9,000. They did have a two-year curriculum in law enforcement, but through the new university president's "commitment to focus," as it's labeled, they've eliminated many two-year programs, and one of them is the law enforcement curriculum. So it particularly affects those who may be from low to moderate income means, and there just may be an exceedingly high number of people in the minorities group who are from that low to moderate income bracket. Therefore, to try and go to an out-of-town institution to pick up the necessary credits to become a cop becomes pretty darn tough economically. So it's a Catch-22: While we're trying to recruit local people and/or minority people into police work from our community, the ones from our community are being denied an opportunity to pursue it. I've been on a campaign to convince our local educators to do something about that, but it's like bouncing my head off a brick wall...

LEN: What is there about this "commitment to focus" that rules out a two-year program in law enforcement studies?

MILETICH: Well, the university president's commitment to focus, as I understand it, is that they're going to concentrate on courses like mathematics, technology and what have you, and that some of these two-year programs are really not worth it and should be condemned

'We have to be able to get people who have blisters on their hands... so they can relate to somebody who's had to do manual work.'

that officers must have a minimum level of college, and whether that impedes the recruitment of sufficient numbers of quality personnel.

— that's my word for it — to the community colleges or to the vocational and technical institutions. In plain English, that's bull....

LEN: In your efforts to get the two-year program in Duluth back on line, have you gotten assistance from the statewide POST board?

MILETICH: We've got the local chapter of the NAACP that has approved a resolution calling for a local program in northeastern Minnesota, and we've had the City Council of Duluth approve a resolution, forwarding it to the Minnesota higher education coordinating committee, asking that Duluth and its immediate area be involved in such a program. We've had sessions with the university administration here in Duluth, the provost, and all to no avail. The POST board has tried, and rightfully so, to remain aloof from the politics of where these schools should be placed.

LEN: Given the statewide applicability of POST standards, does that allow you the leeway to recruit outside your own city limits?

MILETICH: Oh yeah, and in fact I'd say from the last four or five years around 50 to 60 percent of our recruits have been from outside the city. That's one of the faults of our not having a facility in our community, or at least in the immediate area. We have a vo-tech that offers a two-year academic and skills training in a town in the Iron Range about 80 miles northwest of here. That in itself is an inconvenience for our local young people who

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Criminal Justice Library

We read and review:

Australia's dark past as penal outpost

The Fatal Shore: The Epic of Australia's Founding.
By Robert Hughes.
New York, N.Y.: Alfred A. Knopf,
1987.
688 pp., \$24.95.

By Donal E. J. MacNamara
Emeritus Distinguished
Professor of Criminal Justice
City University of New York

Readable books on corrections are few and far between. Those written by non-practitioners, while more likely to exhibit graceful prose, are not infrequently ill-informed and too often poorly documented polemics against the "system." When the author is an ex-convict (or his hired ghost writer), there is usually a problem of credibility: books by wardens, past or present, are invariably overly defensive. Academics write informative, intelligent and thoughtful monographs which are in the main sleep-inducers rather than page-turners.

As such, we are fortunate that we now have from Robert Hughes, an Australian native and art critic for *Time* magazine, a history of the transportation system which in a century (1788 to 1877, when the remaining convicts in the "model prison" at Port Arthur were transferred to serve out their time in Hobart

Gaol) sent to the Antipodes nearly 200,000 men, women and children from English, Scottish, Irish, Canadian and other British colonial penal institutions. Hughes offers a history which is both well-written — unusually so — and factually unassailable.

Transportation, the "out-of-sight, out-of-mind" solution to a nation's penal problem, was not invented by the British, nor did it end with the closing down of Port Arthur. Primitive tribes banished violators of tabu by sending them "naked into the wilderness" (to be devoured by predators or cannibals, or to die of starvation or thirst). Russia sends its criminals and political dissidents to Siberia. France transported Dreyfus and many thousands of less famous offenders to Devil's Island. China has a complex system of internal exile which equates the seriousness of the offense with the distance from the offender's home and the rigors of the climate to be experienced. And Italy has for many years sent Mafia *capi* from the warmth of Sicily and Calabria to primitive villages in its northern mountains. Even our "modern" American correctional system provides examples: New York City is building two large jails up on the Canadian border to house thousands of its surplus misdemeanants (and has in addi-

tion resurrected the 19th-century prison hulks by refitting two ancient ferry boats, at astronomical cost, to house an additional 300 to 400 prisoners — while the state of New Jersey is contemplating refitting an Army transport as a floating prison).

Hughes describes vividly the long voyage out of the transport fleets: the rigorous work and discipline under frightful climatic conditions; the sordid story of the boy convicts at Point Puer (some as young as seven or eight), where scores threw themselves onto the rocks below Suicide Point, and the "assignment system" which permitted convicts to work off their sentences in the service of private employers (some of them in the later years paroled or freed convicts themselves).

Most of those transported were criminals ranging from petty thieves to murderers, rapists and robbers — many of whom continued their criminal activities in Australia despite sadistic disciplinary punishments. There were, however, quite a number of political offenders from Ireland (and even Canada), among whom were men of education and stature. Some of these were allowed to give their parole (not to attempt escape) and those who did so enjoyed special freedoms and amenities, such as being

allowed to bring out their families or being provided with private housing. Smith O'Brien, one of the leaders of the Young Ireland revolt in the 1840's, refused his parole, and Hughes describes the harsh treatment he suffered as a result.

Escapes were common, many organized by Irish nationalists in America. Most of the escapees opted for the outback and subsisted by bushranging, but not a few managed to reach the United States where they were royally welcomed by the large Irish populations in San Francisco, Chicago, New York, Boston and Philadelphia. Others escaped to New Zealand, to China, to the Straits Settlement, and to various Pacific islands. Those who were captured were hanged or viciously flogged (in Tasmania without trial), but escapes were common right through to the 1870's.

From several points of view, transportation was a correctional success story. It cleansed the English cities of thousands of criminals, reduced its gaol

populations, and, since few transportees returned, had the eugenic effect of preventing the reproduction of future generations of criminals. It opened up a new continent to European settlement, to which fled hundreds of thousands of noncriminal refugees from Europe's wars and famines. Those convicts who survived the rigors of the prison camps and who won parole quite often became farmers, workers, sheep-ranchers and businessmen, some the progenitors of Australia's leading families. Indeed, after many years of hiding one's convict ancestry, it is now a matter of pride to trace one's origins to a convict transported in the First Fleet, to a notorious bushranger, or to a famous political dissident.

Hughes has included a remarkable collection of illustrations (sketches, water colors, portraits, photographs, plans of prison layouts, etc.), a bibliography worthy of a Ph.D. dissertation, research notes which add usefully

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Clearing up misconceptions about burglary and robbery

Heavy Business: Commercial Burglary and Robbery.
By Dermot Walsh.
London: Routledge & Kegan
Paul, 1986.
188 pp.

By Steven A. Egger
Clifton Park, N.Y.

Dermot Walsh, a lecturer in sociology at the University of Exeter, provides criminal justice practitioners and academicians with an insightful view of robbery and burglary from the criminal's own descriptions. Although written for a British audience, Walsh's analysis of 122 interviews with men in prison for robbery or burglary seems particularly appropriate to the American scene, given the current Administration's fetish with the so-called "career criminal."

Walsh's interviews with commercial burglars provides a welcome addition and some clarity to this crime. Their sameness is primarily because they all chose the same crime. Walsh found a commitment to the criminal culture but a decidedly less distinct commitment to burglary; 84 percent had been involved in

other crimes.

Regarding the burglaries, the success of these activities was not found to result from insight, applied intelligence or inventiveness, but rather from detailed local knowledge and the actor's ability to spot vulnerability and weaknesses in people and buildings as potential targets.

In his comparison between burglary and robbery, Walsh found little distinction except that burglary involved fencing. In comparing the burglars and robbers he interviewed, Walsh found that most men who commit robbery had low identification with this crime and thought more of their specific objective (target, type of reward), and had a limited connection with a criminal culture, rather than one of robbery specifically. This group of robbers was equally divided between planners and opportunists. When asked to pinpoint the most crucial element of their crime, most responded that creating terror instantly in the victims was paramount.

The author identifies five features central to the cultural core and ideology of burglars: courage, self-reliance, freedom, in-

dependence and the good life. Some tentative conclusions are reached regarding the hallmarks of burglars. Burglars are single men who prefer depopulated targets and act on information or impulse equally. Targets are selected on impulse as in a game of chance, controlled by fear, with distinction between residential and commercial choices.

Walsh expands upon Conklin's classification of robbers by adding desperate men, casual groups of young men and accidents. The author's commitment to an etiology of robbery, although never specified, appears to be a combined theoretical framework of inadequate socialization and labeling theory. Walsh sees the outcome of childhood socialization as violence, with the individual rapidly acquiring a reputation for it, which becomes self-fulfilling as the legend begins to grow. The robber, then, has a social life with people who consider possible places and circumstances of a robbery target, with a target frame of reference.

The author sees an increase in both burglary and robbery. For burglary, this is due primarily to

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Police Ethics:

Hard Choices in Law Enforcement

Edited by
William C. Heffernan
and
Timothy Stroup

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Jobs

State Trooper. The Michigan State Police is accepting applications for the position of State Trooper I. Applicants must be U.S. citizens and Michigan residents for one year prior to taking the written exam. Applicants must also possess a valid Michigan driver's license and be of good moral character (no felony convictions).

Other qualifications include: age between 21 and 36; height proportionate to weight; vision 20/50 correctable to 20/20; possess high school diploma or the equivalent.

All applicants must take a comprehensive written exam and six-event agility test. Other testing includes a physical exam and oral interview.

Starting salary is \$9.58 per hour, increasing to \$12.17 per hour after one year. Benefits include life, health, dental and optical insurance; 13 days paid vacation; 11 paid holidays; overtime pay for court time and holidays; uniforms furnished by department.

For more details, contact: Special Programs Section Office, Michigan State Police, 714 South Harrison Road, East Lansing, MI 48823.

Police Officers. The Largo, Fla., Police Department is accepting applications on a continuous basis. The 105-member police department serves a Gulf Coast community of approximately 65,000 residents.

Applicants must be U.S. citizens of good moral character with no felony convictions involving moral turpitude. In addition, applicants must be at least 19 years old, in excellent health, with weight proportionate to height and vision not worse than 20/50 uncorrected. Applicants must have at least 45 college credit hours (60 hours as of Oct. 1, 1987).

Pre-employment screening includes written exam, physical agility test, physical exam, polygraph, psychological evaluation, oral interview and extensive background investigation.

Starting salary is \$18,012 per year, plus educational incentive

pay and excellent fringe benefits.

For more information, write or call: David L. Deskins, Professional Standards Officer, Largo Police Department, 100 E. Bay Drive, Largo, FL 33540. (813) 586-2666.

Police Chief. The Town of Braintree, Mass. (a residential/industrial community approximately 12 miles south of Boston) is seeking a community-oriented individual to head the police department.

Applicants must have at least 10 years progressively responsible experience in law enforcement, including a minimum of 5 years in an administrative or command position. The successful candidate must possess a working knowledge of the collective bargaining process, and demonstrated management/leader-

ship skills. A bachelor's degree from an accredited college is required; a master's degree or advanced training in law enforcement management is preferred. The position offers a salary range of \$48,000 to \$56,000, along with excellent benefits.

To apply, send a resume, including salary history, and a one-page cover letter summarizing your professional accomplishments to: IACP, Executive Search/Braintree, P.O. Box 6010, 13 Firstfield Road, Gaithersburg, MD 20878. Deadline is June 30, 1987. EOF/AA.

Police Planner/Analyst. Chapel Hill, N.C., (pop. 36,000), a major university community, is seeking an individual to evaluate police department operations and services, develop procedures to enhance effectiveness and plan for meeting future needs. The position involves statistical analysis, research projections and planning. Requires knowledge of mini or micro-computers, research methodology and police/municipal operations. A related BA/BS is required (preference for MA), and good communication skills are essential.

Starting salary range is \$23,100 to \$28,078, along with excellent benefits. To apply, send resume before June 10 to: Personnel-P, 306 N. Columbia, Chapel Hill, NC 27514. EOE/AA.

of Emmet's Rebellion, of Young Ireland and of the Fenian Revolt (the last transport carried some 20 Fenians to Australia in 1868) — whose unmarked graves dot the landscape in Botany Bay, Fremantle, Port Arthur, Norfolk Island, Port Macquarie, Port Philip, Kingston and Van Dieman's Land.

Police Officers. The city of Lynchburg, Va., is accepting applications for entry-level police officers. Lynchburg, in central Virginia, has 70,000 residents in an area of 50 square miles. The police department is in the process of seeking accreditation.

Minimum qualifications include high school graduation or the equivalent (college work in criminal justice or police science preferable). Applicants must possess a valid Virginia driver's license prior to employment and successfully complete all written examinations and physical requirements.

Starting annual salary is \$16,628 for individuals with an associate's degree in law enforcement. Individuals with Virginia-certified law enforcement training may qualify for a higher starting salary.

To apply, request an official application form by contacting: City of Lynchburg, Department of Personnel, City Hall, 900 Church Street, Lynchburg, VA 24505. Telephone (804) 847-1315.

Harvest of troubles in timber states

Continued from Page 7

teresting year" come June, July and August, he said, when Pacific County's population triples with the arrival of summer tourists attracted by the area's sport fishing and boating.

Property crimes have risen dramatically, said Benning, with a 30-percent increase from October 1986 to the present, compared to the same period one year earlier.

Benning said the cutbacks have also played havoc with internal administrative details, as each time he writes a policy or a strategy for combating property crime, more deputies get laid off.

"When we had 10 people, we had to rewrite our entire procedure manual because we couldn't follow our own policies and procedures. Then we got cut to six, and we had to do it all over again," he said. "Now I'm going to have to see how to do it with two — two deputies to patrol 908 square miles."

Willard:

Drug-test positives

Continued from Page 8

specialists. We argued that the testing program did not violate the Fourth Amendment for two reasons: first, as a fitness for duty examination involving minimal intrusion into personal privacy it did not constitute a search within the meaning of the Fourth Amendment; and second, that even if viewed as a search, the extremely limited intrusion involved was outweighed by strong public interest, rendering the search a reasonable one in full compliance with the Fourth Amendment.

The President's program has been carefully designed to provide for random drug testing for employees in sensitive positions, and to limit any unnecessary intrusion into personal privacy. The

Government's general interests are recited in the preamble of the order and include the successful accomplishment of agency missions, the need to maintain employee productivity and the protection of national security and public health and safety. By requiring testing only for employees who occupy sensitive positions, the Executive Order insures that the Government interest will be substantial in every instance. Individual privacy interests are accommodated. Unobserved urine testing is no more intrusive than other devices routinely employed to test a Federal employee's fitness for duty — including physical examinations, fingerprint checks or background investigations.

Books: Australia's 'Fatal Shore'

Continued from Page 13
to the text, and a well-organized index.

If I may be permitted a personal note: While teaching at the University of Melbourne some years ago, I had occasion to visit Port Arthur in Tasmania (the only major prison site that has survived) and spent three days there and at Point Puer trying to

relive the experience of some of my clan who were "guests of the nation." In London last year, I participated in some of the planning sessions for the bicentennial of the First Fleet (1788-1988), and later in Dublin was appalled to learn that neither Irish historians nor criminologists were planning any commemoration of the many thousands — the heroes of 1798,

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might be interested in law enforcement.

LEN: But these problems and inconveniences haven't caused you to lose faith in the POST process to any extent, I gather...

MILETICH: I really am a believer in it, and I think that our POST staff are highly professional. The executive director, a fellow named Mark Shields, is really a credit to the whole POST program. He's been the executive director since the POST staff was put into action, and he's one heck of a qualified guy. He holds a master's degree, he's a former police officer in St. Paul — and, if you write nothing else of what I've said, you should put in that I think he's a lousy hockey player. While he was with the St. Paul P.D., and after he took his present position, he played with the St. Paul Police Department hockey team and I played for our Duluth Police Department. We continually kid each other about who's the slowest guy and who can fake the other guy out. I could hold him back any time. I played defense and he played forward, and he never got around me.

Upcoming Events

AUGUST

3-4. Contemporary Terrorism. Presented by Richard W. Kobetz & Associates Ltd. To be held in West Point, N.Y. Fee: \$350.

3-5. Managing DWI Enforcement Programs. Presented by the International Association of Chiefs of Police. To be held in San Diego.

3-7. Tactical Drug Enforcement Techniques. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475.

3-7. Command Post Operations. Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$425.

3-7. Administering a DWI Program. Presented by the Institute of Police Technology & Management. Fee: \$325.

5-6. Chemical Munitions & Riot Agents. Presented by Executec Corporation. Advanced Training Programs Division. To be held in Mentor, Ohio. Fee: \$225.

5-6. Hostage Negotiations. Presented by Richard W. Kobetz & Associates Ltd. To be held in West Point, N.Y. Fee: \$350.

6-7. Defense Against Electronic Eavesdropping. Presented by Ross Engineering Inc. To be held in Philadelphia. Fee: \$450 (in advance); \$500 (at door); \$625 (government voucher).

6-7. Investigation of Seatbelt/Child Restraint Injuries. Presented by the Institute of Police Technology & Management. Fee: \$200.

8-Nov. 8. 78th Administrative Officers Course. Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$1,200.

10-11. Investigative Technology. Presented by Richard W. Kobetz & Associates Ltd. To be held in Denver. Fee: \$350.

10-11. Inspection of Commercial Vehicles in Accidents. Presented by the Institute of Police Technology & Management. Fee: \$250.

10-12. Developing First Line Supervisory Skills. Presented by the International Association of Chiefs of Police. To be held in Daytona Beach, Fla.

10-14. Marine Patrol Techniques. Presented by the Pan Am Institute of Public Service. Fee: \$485.

10-14. Investigation of Commercial Vehicle Accidents. Presented by the Institute of Police Technology & Management. Fee: \$325.

17-18. Advanced Weaponry. Presented by the Pan Am Institute of Public Service. Fee: \$265.

17-19. Street Survival II. Presented by Calibre Press. To be held in Newark, N.J. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

17-19. Introduction to Law Enforcement Planning & Research Methods. Presented by the International Association of Chiefs of Police. To be held in Daytona Beach, Fla.

17-19. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates Inc. To be held in San Francisco. Fee: \$450.

17-19. Investigation of Motorcycle Accidents. Presented by the Institute of Police Technology & Management. Fee: \$295.

17-19. Vehicle Theft Investigation & Prevention. Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla.

17-21. Defensive Tactics Instructor's Course. Presented by the Criminal Justice Center Police Academy. Sam Houston State University. To be held in Huntsville, Tex. Fee: \$245.

17-21. Security Management. Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$400.

17-21. Narcotic Identification & Investigation. Presented by the Institute of Police Technology & Management. Fee: \$350.

17-21. Florida Prosecutors & Investigators Conference. Presented by the Organized Crime Institute, Florida Department of Law Enforcement. To be held in Tallahassee. Fee: \$300 (Florida residents only).

17-21. Major Event Security. Presented by the National Crime Prevention Institute.

To be held in Louisville, Ky. Fee: \$325.

17-21. Photography in Traffic Accident Investigation. Presented by the Institute of Police Technology & Management. Fee: \$350.

19-21. Recognition & Investigation of Child Abuse. Presented by the Criminal Justice Center Police Academy. Sam Houston State University. Fee: \$175.

23-28. Two-Session Conference: International Drug Trafficking and International Terrorism. Presented by the University of Illinois-Chicago, Office of International Criminal Justice. To be held in Chicago. Fee: \$300 (either session individually); \$500 (both sessions).

24-26. Managing the Law Enforcement Training Function. Presented by the International Association of Chiefs of Police. To be held in Chicago. Fee: \$250.

24-28. Police Executive Development Workshop. Presented by the Institute of Police Technology & Management. Fee: \$350.

21-Sept. 4. First Line Supervision for Police & Correction Officers. Presented by the Institute of Police Technology & Management. Fee: \$475.

26-28. Street Survival II. Presented by Calibre Press. To be held in Carmel, Calif. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

26-28. Officer Survival. Presented by the Pan Am Institute of Public Service. Fee: \$195.

31-Sept. 4. Microcomputer Workshop for Traffic Supervisors. Presented by the Institute of Police Technology & Management. Fee: \$475.

31-Sept. 4. Interviews & Interrogation. Presented by the Institute of Police Technology & Management. Fee: \$375.

SEPTMBER

1-4. Forensic Science Technology.

Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$400.

3-June 18, 1988. Police Administration Training Program. Presented by the Traffic Institute. Tuition: \$6,000.

7-11. Police Traffic Radar Instructor Training. Presented by the Traffic Institute. Fee: \$400.

7-18. At-Scene Accident Investigation. Presented by the Traffic Institute. Fee: \$550.

9-11. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in New York. Fee: \$450.

9-11. Media Responses for the Police Chief. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$295.

10-11. Improvised Explosive Devices & Booby Traps. Presented by Executec Corp. To be held in Mentor, Ohio. Fee: \$175.

10-11. Advanced Handgun Combat Shooting. Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$175.

10-11. Use of Force: In Defense of Officers & Agencies. Presented by Criminal Justice Consulting Services. To be held in Denver. Fee: \$250.

11-13. Workshop for Recently Appointed Chiefs: Part I. Presented by the International Association of Chiefs of Police. To be held in Las Vegas.

14-15. Law Enforcement Dispatcher Training. Presented by the International Association of Chiefs of Police. To be held in Washington, D.C.

14-16. Microcomputers for Police Managers. Presented by the Southwestern Law Enforcement Institute. To be held in Dallas. Fee: \$250.

14-17. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Chicago. Fee: \$500.

14-18. Selective Patrol Drug Enforcement. Presented by the Institute of Police Technology & Management. Fee: \$375.

14-18. Basic Hostage Negotiation. Presented by the Traffic Institute. Fee: \$400.

14-18. Strategic Reaction Team Training I. Presented by the Pan Am Institute of Public Service. Fee: \$425.

14-18. Tactical Weapons. Presented by Executec Corp. Fee: \$350.

14-18. Crime Scene Technician Seminar. Presented by the Institute of Police Technology & Management. To be held in St. Augustine, Fla. Fee: \$350.

14-18. Investigative & Forensic Hypnosis. Presented by the Criminal Justice Center Police Academy. Sam Houston State University. To be held in Huntsville, Tex. Fee: \$495.

14-25. At-Scene Traffic Accident/Traffic Homicide Investigation. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475.

15-16. Defense Against Electronic Eavesdropping. Presented by Ross Engineering Inc. To be held in New York. Fee: \$525 (by government voucher); \$600 (at door); \$450 (in advance).

15-17. Administering a Small Law Enforcement Agency. Presented by the International Association of Chiefs of Police. To be held in Las Vegas.

16-18. Bicycle Law Enforcement. Presented by the Institute of Police Technology & Management. Fee: \$295.

17-19. Street Survival II. Presented by Calibre Press. To be held in Nashville. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

21-22. Innovative Approaches to Law Enforcement Public Information. Presented by the International Association of Chiefs of Police. To be held in Denver.

21-23. The Public Safety Concept for Administrators. Presented by the International Association of Chiefs of Police. To be held in Denver.

21-23. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Washington, D.C. Fee: \$450.

21-23. Investigation of Computer Fraud. Presented by the International Association of Chiefs of Police. To be held in Chicago.

21-25. Sex Crime Investigation. Presented by the Institute of Police Technology & Management. Fee: \$375.

21-25. Strategic Reaction Team Training II. Presented by the Pan Am Institute of Public Service. To be held in Gainesville, Ga. Fee: \$425.

21-25. Field Training Officers' Seminar. Presented by the Institute of Police Technology & Management. To be held in Richmond, Ky. Fee: \$350.

21-25. Police Composite Artists Training Course. Presented by Colorado State University. To be held in Fort Collins, Colo.

21-Oct. 2. Technical Accident Investigation. Presented by the Traffic Institute. Fee: \$550.

21-Oct. 2. Strategic Response Team Operations. Presented by Executec Corp. To be held in Mentor, Ohio. Fee: \$850.

22-23. Corporate Aircraft Security. Presented by Richard W. Kobetz & Associates Ltd. To be held in Las Vegas. Fee: \$350.

22-21. Street Survival II. Presented by Calibre Press. To be held in Phoenix. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

22-25. Police Internal Affairs. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$350.

23-25. Strategic Reaction Team Management. Presented by the Pan Am Institute of Public Service. Fee: \$195.

24-25. Physical Security. Presented by Richard W. Kobetz & Associates Ltd. To be held in Las Vegas. Fee: \$350.

28-30. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Houston. Fee: \$450.

28-30. Police Records Management. Presented by the International Association of Chiefs of Police. To be held in Chicago.

28-Oct. 2. DWI Instructor Course. Presented by the Institute of Police Technology & Management. Fee: \$350.

28-Oct. 2. The Planning Process: Program Design & Development. Presented by the Traffic Institute. Fee: \$400.

Insightful look at burglary, robbery

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the rise in the new living pattern of increased numbers of depopulated residences because both spouses are working. For robbery, Walsh is more explicit. The increase in the amounts of non-personal money being transferred, with the concomitant reduction in preparedness of bystanders to intervene in any way, will increase the number of attractive robbery targets. Further, the idolization of crime by the media and the "target-weakening" of funds in transit will attract more would-be robbers.

This small, yet important work, has references for each chapter and includes an extensive bibliography on robbery and burglary. It is a worthy contribution to the literature and a good read to boot.

For further information . . .

Broward County Organized Crime Centre, P.O. Box 2505, Fort Lauderdale, FL 33303. (305) 564-0833

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062 1-800-323-0037

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 368-3308

Colorado State University, Office of Conference Services, Fort Collins, CO 80522. (303) 491-6222

Commission on Accreditation for Law Enforcement Agencies, 4242B Chain Bridge Road, Fairfax, VA 22030. (703) 352-4225

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. (212) 247-1600

Criminal Justice Center Police Academy, Sam Houston State University, Box 2296, Huntsville, TX 77341

Criminal Justice Consulting Services, 7938 Southeast Highway 40, Tecumseh, KS 66542. (913) 379-5130

Criminal Justice & Public Safety Training Center, 3055 Brighton-Henrietta Town Line Road, Rochester, NY 14623-2790. (716) 427-7710

Criminal Justice Training and Education Center, Attn: Ms. Jeanne L. Klein, 2025 Arlington Avenue, Toledo, OH 43609. (419) 382-5665

Eastern Kentucky University, Training Resource Center, 105 Stratton Building, Richmond, KY 40475. (606) 622-1155

Executec Corporation, Advanced Training Programs Division, 7510

Tyler Blvd., Mentor, OH 44060-5404 (216) 942-7350

Florida Crime Prevention Training Institute, Florida Attorney General's Office, The Capitol, Tallahassee, FL 32399-1050. (904) 487-3712

Florida Department of Law Enforcement, Organized Crime Institute, P.O. Box 1489, Tallahassee, FL 32302. (904) 488-1340

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216

International Association of Chiefs of Police, 13 Firstfield Road, Gaithersburg, MD 20878. (301) 948-0922; (800) 638-4085

Kent State Police Training Academy, Stockdale Safety Building, Kent, OH 44242. (216) 672-3070

Narcotic Enforcement Officers Association, P.O. Box 999, Darien, CT 06820. (203) 655-2906

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292

National Training Center of Polygraph Science, 200 West 57th Street, Suite 1400, New York, NY 10019. (212) 755-5241

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02157

Pan Am Institute of Public Service, 601 Broad Street, S.E., Gainesville, GA

30501, 1-800-235-4723 (out of state); 1-800-633-6681 (in Georgia)

Police Executive Development Institute (POLEX), The Pennsylvania State University, S159 Human Development Building, University Park, PA 16802. (814) 863-0262

Police Foundation, Police Liability Assistance Network, Attn: Sheila Bodner, 1001 22nd Street N.W., Washington, D.C. 20037. (202) 833-1460

John E. Reid & Associates, 250 South Wacker Drive, Suite 1100, Chicago, IL 60606. (312) 876-1600

Richard W. Kobetz and Associates, North Mountain Pines Training Center, Arcadia Manor, Route Two, Box 100, Berryville, VA 22611. (703) 955-1128 (24-hour desk)

Ross Engineering Inc., 7906 Hope Valley Court, Adamstown, MD 21710. (301) 831-8400

Southern Police Institute, Attn: Ms. Shirley Beck, University of Louisville, Louisville, KY 40292. (502) 588-6561

Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 75080. (214) 690-2370

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204

University of Colorado at Denver, Law Enforcement Executive Program, Attn: George Hagevik, Program Director, 1100 14th Street, Campus Box 133, Denver CO 80202. (303) 556-4840

University of Miami, School of Continuing Studies, P.O. Box 248005, Coral Gables, FL 33124. (305) 284-4000

